

Falkland Islands (Islas Malvinas)

NON-INDEPENDENT COUNTRIES AND TERRITORIES

NO ADVANCEMENT

In 2013, the Falkland Islands made no advancement in efforts to prevent the worst forms of child labor. Although no information suggests that the worst forms of child labor are a problem, the Government appears to lack a complete preventive legal framework to protect all children from trafficking for the purposes of labor exploitation. It also is unclear whether the Falkland Islands have established a more comprehensive list of hazardous work prohibited to children, and whether the use of children in illicit activities is prohibited. This leaves children vulnerable to the worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the Falkland Islands.(1, 2)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

British Overseas Territories (OTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they do not form part of the UK. They are self-governing, except in the areas of foreign affairs and defense. Domestic UK Law does not generally apply to OTs, unless explicitly extended.(3)

The following conventions have been extended to the Falkland Islands (Table 1).

Table 1. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
	Palermo Protocol on Trafficking in Persons	

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Falkland Islands Employment of Children Ordinance (4)
Minimum Age for Hazardous Work	Yes	18	Falkland Islands Employment of Children Ordinance (5, 6)
List of Hazardous Occupations Prohibited for Children	Yes		United Kingdom Employment of Women, Young Persons, and Children Act (2, 5-7)
Prohibition of Forced Labor	Yes		Falkland Islands Constitution Order 2008 (8)
Prohibition of Child Trafficking	Yes		Sexual Offenses Act (9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sexual Offenses Act (9)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat:	18	UK Armed Forces Act 2006 (10-12)
	No		
Compulsory Education Age	Non-Combat: Yes	16	Education Amendment Ordinance of 2008; Falkland Islands Constitution Order of 2008 (5, 8, 13)
	Yes		
Free Public Education	Yes		Education Amendment Ordinance of 2008 (5, 13)

*No conscription or no standing military.

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The UK Employment of Women, Young Persons, and Children Act makes it illegal to employ children in work that exposes them to physical, psychological, or sexual abuse. The Act protects children from work that is underground, underwater, at dangerous heights, or in confined spaces, as well as from work that requires using dangerous machinery, equipment, or tools without training and supervision, and prohibits work at night in any industry.⁽⁷⁾ No information was found on whether the Government has developed a more comprehensive list of hazardous occupations prohibited to children, or if the law explicitly prohibits the use of children in illicit activities.^(14, 15)

Although child trafficking has not been identified as having occurred in the Falkland Islands, the law does not appear to protect children, specifically young persons older than 16, from internal and cross-border trafficking for the purposes of labor exploitation.^(8, 9, 15)

The UK Government has introduced systems to track ages and locations of individual soldiers, with the aim of preventing under 18s from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached 18 years is permitted when there is a genuine need and the situation is urgent.^{(11, 12, 16, 17).}

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for enforcement actions to address child labor, including its worst forms, in the Falkland Islands.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for coordinating mechanisms to address child labor, including its worst forms, in the Falkland Islands.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor, including its worst forms, in the Falkland Islands.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for social programs to address child labor, including its worst forms, in the Falkland Islands.

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor, including its worst forms, in the Falkland Islands (Table 3).

Table 3. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Ensure that the list of hazardous activities prohibited to children is comprehensive.	2012 – 2013
	Ensure the law prohibits the use of children in illicit activities.	2013
	Clarify whether the law protects all children under 18 from trafficking for any purpose, including labor exploitation.	2012 – 2013

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