

*In 2013, Gibraltar made a moderate advancement in efforts to prevent the worst forms of child labor. While there is no evidence of a problem, the Government has strengthened its preventive legal framework to help protect children from exploitive labor. In 2013, the Government of Gibraltar enacted the Gibraltar Merchant Shipping (Maritime Labour Conventions) Regulations, which extends labor protections to children working aboard ships through age 18. However, critical gaps remain in the legal framework to prevent children from being involved in the worst forms of child labor. The legal framework does not appear to define a minimum age for all work, nor does it appear to fully protect children ages 15 through 17 from hazardous work. The law also does not appear to prohibit the use of children in illicit activities that are not of a sexual nature, such as for drug trafficking, theft, or burglary. These gaps continue to leave 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 Gibraltar.(1-3)

## 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.

None of the following conventions have been extended to Gibraltar (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 on Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		Employment Act 1953, as amended in 2012; United Kingdom's Working Time Act 1999; Merchant Shipping Regulations 2013 (4-6)
Minimum Age for Hazardous Work	Yes	15/16	Employment Act 1953; Working Time Act 1999; Merchant Shipping Regulations 2013 (4-6)
List of Hazardous Occupations Prohibited for Children	Yes		Employment Act 1953, as amended in 2012 (4, 7)
Prohibition of Forced Labor	Yes		Gibraltar Constitution Order of 2006; Crimes Act 2011 (3, 8-10)
Prohibition of Child Trafficking	Yes		Crimes Act of 2011 (2, 9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Crimes Act of 2011 (2, 9)
Prohibition of Using Children in Illicit Activities	Yes		Crimes Act of 2011 (S.)191A (3, 9)
Minimum Age for Compulsory Military Recruitment	N/A*		

**Table 2. Laws and Regulations on Child Labor (cont)**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service	Combat: No	18	Royal Gibraltar Regiment; UK Armed Forces Act 2006 (2, 10)
	Non-Combat: Yes	16	
Compulsory Education Age	Yes	15	Education and Training Act 1974 (2, 11-13)
Free Public Education	Yes		Legislation title unknown (11-13)

\*No conscription or no standing military.

Gibraltar does not appear to have a clearly defined law or regulation setting a minimum employment age for all work. The Education and Training Act of 1974 bars employing children under the age of 18 as apprentices, and possibly in other work, without the written consent of the Government’s Director of Education; however, the Act affords the Director wide discretion in determining whether to consent to the employment.(11) The definition of “child” also varies throughout the legal framework.(5, 9, 11)

Three laws limit employing children in hazardous activities. The first law, the Working Time Act, prohibits children under age 16 from employment that is dangerous to their life, health, or morals; though the Act does not list specific industries or activities that would fall within this definition, it does regulate working time for young persons ages 15–17; specifically, work performed at night, the maximum amount of hours a young person may work, and the minimum amount of time employers should allocate for breaks and rest periods.(5) Research has been unable to locate any list or more specific definition promulgated under the authority of this law. The second law, Gibraltar’s Employment Act prohibits children under age 15 from working in “industrial undertakings,” which the Act defines broadly to include mining, manufacturing, construction, and transportation.(4, 5) Finally, the Merchant Shipping Regulations enacted in 2013 bar children under 18 from working at night on marine vessels and bar children under 16 from working on vessels at all.(4) Taken together, the various regulations may not fully protect children ages 15 through 17 from hazardous work, as the Employment Act specifically allows children of these ages to work at night in industrial undertakings in mining and in manufacturing of iron, steel, paper, raw sugar, and glass work.(4) It is not clear whether any other government rule exists that details a more comprehensive list of hazardous activities prohibited for all children under 18. Also, while the Crimes Act 2011 prohibits the use of children for begging, it is not clear whether laws exist prohibiting the use of children in illicit activities such as the production and distribution of illegal drugs.(9)

The UK and the Royal Gibraltar Regiment are responsible for defending Gibraltar.(2, 10) 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.(2, 10, 14-16)

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

Although there is no evidence of a child labor problem in Gibraltar, limited evidence suggests that institutional mechanisms have been established to enforce labor laws and regulations related to child labor, including its worst forms.(3, 17) However, research did not identify these institutional mechanisms.

### 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 Gibraltar.

### 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 Gibraltar.

## 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 Gibraltar.

## 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 Gibraltar (Table 3).

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

Area	Suggested Action	Year(s) Suggested
Laws	Clarify the minimum age for all work, and standardize the definition of “child” throughout the legal framework.	2013
	Amend the law to protect all children under 18 from clearly defined hazardous work.	2012 – 2013
	Clarify whether laws exist regarding the use of children for drug trafficking or other illicit activities.	2011 – 2013

### REFERENCES

1. U.S. Embassy- London. *reporting, January 16, 2009*.
2. U.S. Embassy- London official. E-mail communication to USDOL official. June 6, 2012.
3. U.S. Embassy- London. *reporting, January 21, 2014*.
4. Government of Gibraltar. *Employment Act of 1953*, No. 1932-16, enacted 1932. <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92606/107943/F-798684807/GBR92606.pdf> [source on file] alternate: <http://www.gibraltarlaws.gov.gi/>.
5. Government of Gibraltar. *Working Time Act*, No. 1999-33, enacted November 04, 1999. <http://www.gibraltarlaws.gov.gi/articles/1999-33o.pdf> [source on file].
6. Government of Gibraltar. *Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013*, enacted August 20, 2013. [http://www.gibraltarlaws.gov.gi/view\\_article\\_s.php?group\\_id=000000108&id=000003495](http://www.gibraltarlaws.gov.gi/view_article_s.php?group_id=000000108&id=000003495) [source on file].
7. International Labour Organization. “Fundamental principles and rights at work: From commitment to action,” in International Labour Conference, 101st Session 2012; [http://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--relconf/documents/meetingdocument/wcms\\_176149.pdf](http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_176149.pdf) [source on file].
8. Government of Gibraltar. *The Gibraltar Constitution Order 2006*, enacted December 14, 2006. [http://www.gibraltarlaws.gov.gi/constitution/Gibraltar\\_Constitution\\_Order\\_2006.pdf](http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf).
9. Government of Gibraltar. *Crimes Act 2011*, enacted November 23, 2012. [Source on file].
10. The Royal Gibraltar Regiment. *Requirements*, The Royal Gibraltar Regiment, [online] [cited May 2, 2013]; [http://www.royalgibraltarregiment.gi/careers\\_regular\\_army\\_requirements.php](http://www.royalgibraltarregiment.gi/careers_regular_army_requirements.php).
11. Government of Gibraltar. *Education and Training Act*, Part IX, enacted 1974 (Amended 2012). <http://www.gibraltarlaws.gov.gi/articles/1974-11o.pdf> [source on file].
12. UN Economic and Social Council. *Implementation of the International Covenant on Economic, Social and Cultural Rights: Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant: United Kingdom of Great Britain and Northern Ireland: Overseas Territories*. New York, United Nations; February 14, 2008. Report No. E/C.12/GBR/5/Add.2. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.
13. Government of Gibraltar. *Gibraltar Department of Education*, [online] [cited March 04, 2014]; <https://www.gibraltar.gov.gi/education-a-training> [source on file].
14. Owen, J. “One in Six Recruits to Army is Aged 16.” independent.co.uk [online] May 29, 2011 [cited <http://www.independent.co.uk/news/uk/home-news/one-in-six-recruits-to-army-is-aged-16-2290403.html>] [source on file].
15. Government of the United Kingdom. *UK Armed Forces Act*, enacted 2006. [http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga\\_20060052\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga_20060052_en.pdf) [source on file].
16. United Kingdom Parliament-Defence Committee. *Written Evidence from the Peace Pledge Union*. London; May 2013. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmdfence/576/576vw06.htm> [source on file].
17. Government of Gibraltar. *Employment*, [cited July 2014]; <https://www.gibraltar.gov.gi/employment> [source on file].