

# Saint Helena, Ascension, and Tristan da Cunha

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

Although research found no evidence that child labor exists in Saint Helena, Ascension, and Tristan da Cunha, in 2021, the government made minimal advancement in efforts to prevent the worst forms of child labor. The Government of Ascension passed a new Employment Ordinance during the reporting period which sets the minimum age for work at 14. However, Saint Helena, Ascension, and Tristan da Cunha is assessed as having made only minimal advancement because it continued to implement a practice that delayed advancement in preventing the worst forms of child labor. There is no functioning labor inspectorate in Saint Helena, Ascension, and Tristan da Cunha to enforce labor laws. Labor inspections are a key tool for identifying child labor violations, and their absence makes children more vulnerable to the worst forms of child labor. In addition, the islands have yet to define, by law or regulation, the types of hazardous work prohibited for children, other than work on vessels engaged in maritime navigation. Gaps also remain in legislation across Saint Helena, Ascension, and Tristan da Cunha related to forced child labor and the trafficking of children for labor exploitation.




### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Saint Helena, Ascension, and Tristan da Cunha. (1-3)

### II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories (BOTs) recognize the jurisdiction and sovereignty of the United Kingdom (UK), but are not constitutionally part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (4) Domestic UK law does not generally apply unless explicitly extended to these territories. Saint Helena, Ascension, and Tristan da Cunha are three separate territories that generally incorporate English Law Ordinances to the extent permitted by local circumstances and subject to modification by local laws. (4,5) Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. If the Convention is accepted, it is considered applicable to that territory. (4) The following Conventions have been extended to and accepted by Saint Helena, Ascension, and Tristan da Cunha (Table I).

**Table I. 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 of Saint Helena, Ascension, and Tristan da Cunha has established laws and regulations related to child labor (Table 2). However, gaps exist in Saint Helena, Ascension, and Tristan da Cunha's legal framework to adequately protect children from the worst forms of child labor, including prohibition of forced labor.

# Saint Helena, Ascensión, and Tristán da Cunha

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**Table 2. Laws and Regulations on Child Labor**

Standard	Related Entity	Meets International Standards	Age	Legislation
Minimum Age for Work	Saint Helena and Tristán da Cunha	Yes	16	Sections 157B and 158 of the Welfare of Children Ordinance (Saint Helena and Tristán da Cunha) (6)
	Ascensión	No	14	Section 29 of the Employment Ordinance (7)
Minimum Age for Hazardous Work	Saint Helena and Tristán da Cunha	Yes	18	Sections 157A, 157B, and 158 of the Welfare of Children Ordinance (6)
	Ascensión	No		Section 51 of the Child Welfare Ordinance (8)
Identification of Hazardous Occupations or Activities Prohibited for Children	Saint Helena and Tristán da Cunha	Yes		Section 157B of the Welfare of Children Ordinance (6)
	Ascensión	No		
Prohibition of Forced Labor	Saint Helena and Tristán da Cunha	No		Sections 8 (Saint Helena) and 190 (Tristán da Cunha) of the Constitution Order (9)
	Ascensión	No		Section 125 of the Constitution Order (9)
Prohibition of Child Trafficking		No		Articles 57–60 of the Sexual Offenses Act (10)
Prohibition of Commercial Sexual Exploitation of Children	Saint Helena and Tristán da Cunha	Yes		Articles 47–51 of the Sexual Offenses Act; Sections 145, 147, 157A, and 157C of the Welfare of Children Ordinance (6, 10)
	Ascensión	Yes		Articles 47–51 of the Sexual Offenses Act; Sections 48 and 50 of the Child Welfare Ordinance (8, 10)
Prohibition of Using Children in Illicit Activities	Saint Helena and Tristán da Cunha	Yes		Sections 157A and 157C of the Welfare of Children Ordinance (6)
	Ascensión	No		
Minimum Age for Voluntary State Military Recruitment		N/A†		
Prohibition of Compulsory Recruitment of Children by (State) Military		N/A*†		
Prohibition of Military Recruitment by Non-state Armed Groups		No		
Compulsory Education Age	Saint Helena and Tristán da Cunha	Yes	16	Section 34 of the Education Ordinance (11)
	Ascensión	Yes	16	Ascensión Island Education Policy (12)
Free Public Education	Saint Helena and Tristán da Cunha	Yes		Section 16 (Saint Helena) and Section 198 (Tristán da Cunha) of the Constitution Order; Section 43 of the Education Ordinance (Saint Helena) (9, 11)
	Ascensión	Yes		Section 132 of the Constitution Order; Ascensión Island Education Policy (9, 12)

\* Country has no conscription (13)

† Country has no standing military (13)

In 2021, the Government of Ascensión passed a new Employment Ordinance into law which took effect in June 2022. This new law sets the minimum age for work in Ascensión at 14. (7, 14) However, the law still does not prohibit the employment of children in hazardous work, other than work on vessels engaged in maritime navigation. Additionally, Ascensión does not have any laws prohibiting the use of children in illicit activities. (7) The laws prohibiting forced labor in Saint Helena, Ascensión, and Tristán da Cunha are not sufficient because debt bondage and slavery are prohibited constitutionally but not criminally. (9) While the UK Sexual Offenses Act, which is applicable to this territory, prohibits trafficking for sexual exploitation, it does not specifically address the trafficking of children and there are no laws prohibiting the trafficking of children for labor exploitation. (10)

# Saint Helena, Ascensión, and Tristán da Cunha

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### III. ENFORCEMENT OF LAWS ON 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. However, the absence of a labor inspectorate at the national level in Saint Helena, Ascensión, and Tristán da Cunha may impede the enforcement of child labor laws.

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor.

### V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor.

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

As there is no evidence of a problem, there appears to be no need for programs to address child labor.

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in Saint Helena, Ascensión, and Tristán da Cunha (Table 3).

**Table 3. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify international conventions on child labor.	2020 – 2021
	Implement legislation prohibiting children from engaging in all types of hazardous work in Ascensión, in consultation with employers' and workers' organizations.	2013 – 2021
	Ensure that forced labor, debt bondage, and slavery are criminally prohibited.	2017 – 2021
	Establish laws to criminally prohibit trafficking of children for labor exploitation.	2014 – 2021
	Establish laws to criminally prohibit the use of children in illicit activities in Ascensión.	2015 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
Enforcement	Establish a labor inspectorate to enforce labor laws, including laws pertaining to child labor.	2021

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