

Falkland Islands (Islas Malvinas)

NO ADVANCEMENT

Although research found no evidence that child labor exists in the Falkland Islands (Islas Malvinas), in 2022, the government made no advancement in efforts to prevent the worst forms of child labor. The Falkland Islands (Islas Malvinas) also continued to implement a practice that delays advancement to prevent child labor. There is no functioning labor inspectorate in the Falkland Islands (Islas Malvinas) 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 minimum age of 14 for work and 16 for hazardous work are not in compliance with international standards, and the law does not prohibit adults from using, procuring, and offering a child for the production and trafficking of drugs.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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

II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories recognize the jurisdiction and sovereignty of the UK but are not constitutionally part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (2) The Falkland Islands (Islas Malvinas) generally incorporate English Law Ordinances to the extent permitted by local circumstances and subject to modification by local laws. Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. (2,3) If the Convention is accepted, it is considered applicable to that Territory. (2) The following Conventions have been extended to and accepted by the Falkland Islands (Islas Malvinas) (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 of the Falkland Islands (Islas Malvinas) has established laws and regulations related to child labor (Table 2). However, gaps exist in the Falkland Islands' (Islas Malvinas') legal framework to adequately protect children from the worst forms of child labor, including the failure to criminalize the use of children in illicit activities.

Table 2. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 3 of the Employment of Children Ordinance (4)
Minimum Age for Hazardous Work	No	16	Section 3 of the Employment of Children Ordinance; Sections 2, 3, and 4A of the Employment of Women, Young Persons, and Children Act (4,5)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 3 of the Employment of Children Ordinance; Section 3 of the Employment of Women, Young Persons, and Children Act (4,5)
Prohibition of Forced Labor	Yes		Section 117 of the Crimes Ordinance of 2014; Chapter 1, Section 4 of the Constitution Order (6,7)

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Table 2. Laws and Regulations on Child Labor (Cont.)

Standard	Meets International Standards	Age	Legislation
Prohibition of Child Trafficking	Yes		Section 87 of the Crimes Ordinance of 2014; Part I, Sections 57–60 of the Sexual Offenses Act (6,8)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 259–263 of the Crimes Ordinance of 2014; Part I of the Sexual Offenses Act (6,8)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	17	Article 10 of the Falkland Islands Defense Ordinance (9)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	16	Education Ordinance; Chapter 1, Section 12 of the Constitution Order (7,10)
Free Public Education	Yes		Chapter 1, Section 12 of the Constitution Order (7)

* Country has no conscription (2,11)

The minimum age of 14 for work and the minimum age of 16 for hazardous work are not in compliance with international standards. In addition, the minimum age for work is lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. (5,12) The Government of the Falkland Islands (Islas Malvinas) has not determined by national law or regulation the types of hazardous work prohibited for children, other than industrial undertakings. (4,5) The law also does not prohibit adults from using, procuring, or offering a child for the production or trafficking of drugs. In addition, there is no existing law that criminally prohibits the recruitment of children under age 18 by non-state armed groups.

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 Government of the Falkland Islands (Islas Malvinas) has established an institutional mechanism for the enforcement of laws and regulations on child labor, although the absence of a labor inspectorate in the Falkland Islands (Islas Malvinas) may impede the enforcement of child labor laws (Table 3). (1)

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role & Activities
Royal Falkland Islands Police	Enforce the laws of the Falkland Islands (Islas Malvinas), including those protecting children against abuses. Participate in the Safeguarding Children Board and lead the Board's trainings on understanding child sexual exploitation. (13-15)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for a mechanism 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.

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

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 the Falkland Islands (Islas Malvinas) (Table 4).

Table 4. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on Armed Conflict.	2020 – 2022
	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.	2020 – 2022
	Ratify the Palermo Protocol on Trafficking in Persons.	2020 – 2022
	Raise the minimum age for work from 14 to 16 to align with the compulsory education age.	2017 – 2022
	Raise the minimum age for hazardous work from 16 to 18 and ensure that national law determines prohibited work activities for children.	2015 – 2022
	Ensure that the law criminally prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2013 – 2022
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2012 – 2022
Enforcement	Establish a labor inspectorate to enforce labor laws, including laws pertaining to child labor.	2021 – 2022

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