

In 2015, the British Virgin Islands made no advancement in efforts to prevent the worst forms of child labor. Although information suggests that the worst forms of child labor are not a problem, the Government appears to lack a complete preventive legal framework to protect all children. The Government has not determined the types of hazardous work prohibited for children.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




Research found no evidence that child labor, including its worst forms, exists in the British Virgin Islands.(1, 2)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

British Overseas Territories (BOTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they are not part of the UK. They are self-governing, except in the areas of foreign affairs and defense.(3) Domestic UK law does not generally apply to BOTs, unless explicitly extended to them, and conventions ratified under UK law need to be officially extended to BOTs.(3)

The following convention has been extended to the British Virgin 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 laws and regulations concerning 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	Article 128 of the Labor Code of 2010 (4)
Minimum Age for Hazardous Work	Yes	18	Article 130 of the Labor Code of 2010 (4)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 130 of the Labor Code of 2010 (4)
Prohibition of Forced Labor	Yes		Article 14 of the Constitutional Order 2007; Section 201A of the Criminal Code; Article 130 of the Labor Code of 2010 (4-6)
Prohibition of Child Trafficking	Yes		Section 201A of the Criminal Code (6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 284A of the Criminal Code; Article 130 of the Labor Code of 2010 (4, 6)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*†		
Minimum Age for Voluntary Military Service	N/A*†		
Compulsory Education Age	Yes	16	Division 3, Paragraph 28 of the Education Act 2004 (7)

Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Free Public Education	Yes		Article 22 of the Constitutional Order of 2007; Section 17 of the Education Act 2004 (5, 7)

* No conscription (3, 8)

† No standing military (3)

While the Labor Code specifies that hazardous work is to be defined by the Minister, the government has not yet determined the types of hazardous work prohibited for children. The Government plans to establish a committee of officials from the Ministry of Education and Culture, the Ministry of Health and Social Development, the Ministry of Natural Resources and Labor, and the Deputy Governor's Office to develop a list of hazardous occupations prohibited to children.(1)

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

Even though there is no evidence of a problem, the UK Government has established an institutional mechanism for the enforcement of labor laws for the British Virgin Islands (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor	Enforce labor laws and collect data and statistics on violations of the Labor Code.(4)

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 mechanisms to coordinate efforts to address child labor, including its worst forms.

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.

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

In 2015, the Government of the British Virgin Islands participated in programs that may contribute to the prevention or elimination of child labor (Table 4).

Table 4. Social Programs to Address Child Labor

Program	Description
Child Safeguarding in the Overseas Territories Regional Project (2014–2016)	A \$1.2 million, 3-year project funded by the United Kingdom's Department for International Development and implemented by UNICEF to increase the Governments' capacity to safeguard children in the Eastern Caribbean.(9)
Child Protection Programs	Government-initiated actions, with assistance from UNICEF, related to the protection of children. Actions include efforts by the Ministry of Health to identify the barriers and bottlenecks inhibiting the full implementation of children's rights in health, education, and child protection, as well as two initiatives involving budgeting resources for children's issues.(1)

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

Based on the reporting above, the following actions would advance the continued prevention of child labor, including its worst forms, in the British Virgin Islands (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2012 – 2015
	Ensure that the use of children in illicit activities, including the production and trafficking of drugs, is criminally prohibited.	2015

REFERENCES

1. U.S. Embassy- London. *reporting, January 22, 2016.*
2. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys.* Analysis received December 18, 2015. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
3. U.S. Embassy- London official. E-mail communication to USDOL official. May 8, 2014.
4. Government of the British Virgin Islands. *Labour Code*, 4, enacted 2010. <http://www.bviccha.org/resources/files/Labour%20Code%20Act%202010.pdf>.
5. Government of the British Virgin Islands. *The Virgin Islands Constitution Order 2007*, 1678, enacted June 15, 2007. <http://www.bvi.org.uk/files/constitution2007.pdf>.
6. Government of the British Virgin Islands. *Criminal Code (Amendment) Act, 2007*, 3, enacted February 8, 2007.
7. Government of the United Kingdom of Great Britain and Northern Ireland. *Education Act 1996*, enacted July 24, 1996. <http://www.legislation.gov.uk/ukpga/1996/56/contents>.
8. Child Soldiers International. "Louder than Words: An Agenda for Action to End State Use of Child Soldiers," in *Louder than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; http://www.child-soldiers.org/global_report_reader.php?id=562.
9. UNICEF. *New DFID-UNICEF Project to Safeguard Children in the British Overseas Territories*; February 28, 2014. http://www.unicef.org/easterncaribbean/ECAO_Monsterrat_launch.pdf.