

# Overseas Territories of the United Kingdom

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## ANGUILLA

### MINIMAL ADVANCEMENT

*In 2017, Anguilla made a minimal advancement in efforts to eliminate the worst forms of child labor. After two category five hurricanes impacted Anguilla, the Ministries of Health, Education, and Human Development, in cooperation with UNICEF, worked together to provide recovery assistance to children. In addition, the Minister of Labor from Anguilla attended the 10th ILO Meeting of Caribbean Ministers of Labor: Realizing Decent Work Under the 2030 Agenda, where there were discussions about a regional initiative to eliminate child labor in the Caribbean. Research found no evidence that child labor exists in Anguilla. However, the law does not prohibit the involvement of children in illicit activities and the minimum age for work does not meet international standards.*

## BRITISH VIRGIN ISLANDS

### MINIMAL ADVANCEMENT

*In 2017, the British Virgin Islands made a minimal advancement in efforts to eliminate the worst forms of child labor. After two category five hurricanes impacted the British Virgin Islands, the Ministry of Education and UNICEF worked together to reopen schools and provide recovery assistance to children. In addition, the Minister of Labor from the British Virgin Islands attended the 10th ILO Meeting of Caribbean Ministers of Labor: Realizing Decent Work Under the 2030 Agenda, where there were discussions about a regional initiative to eliminate child labor in the Caribbean. Research found no evidence that child labor exists in the British Virgin Islands. However, the law does not prohibit the involvement of children in illicit activities, and the minimum age for recruitment by non-state armed groups does not meet international standards.*

## FALKLAND ISLANDS (ISLAS MALVINAS)

### NO ADVANCEMENT

*In 2017, the Falkland Islands made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor, including its worst forms, exists in the Falkland Islands. However, the minimum age for work and hazardous work do not meet international standards. The law also does not prohibit the involvement of children in illicit activities.*

## MONTSERRAT

### NO ADVANCEMENT

*In 2017, Montserrat made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor, including its worst forms, exists in Montserrat. However, the law does not prohibit the involvement of children in illicit activities, and the minimum age for recruitment by non-state armed groups does not meet international standards.*

## SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA (FORMERLY SAINT HELENA)

### NO ADVANCEMENT

*In 2017, Saint Helena, Ascensión, and Tristán da Cunha (formerly Saint Helena) made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor, including its worst forms, exists in Saint Helena, Ascensión, and Tristán da Cunha. However, there is not a minimum age for work and the law does not prohibit the involvement of children in illicit activities. Gaps also remain in legislation related to forced child labor and the trafficking of children for labor exploitation.*

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## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

### ANGUILLA, BRITISH VIRGIN ISLANDS, FALKLAND ISLANDS, MONTSERRAT, AND SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA

Research found no evidence that child labor exists in Anguilla (A), the British Virgin Islands (BVI), the Falkland Islands (FI), Montserrat (M), and Saint Helena, Ascensión, and Tristán da Cunha (SH). (1; 2; 3; 4)

Table 1 provides one key indicator on children's education in the BVI and M, the only Overseas Territories (OTs) of the United Kingdom for which information is available. Data on other key indicators for the UK OTs are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Territory				
		A	BVI	FI	M	SH
Working (% and population)	5 to 14	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable
Attending School (%)	5 to 14	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable
Combining Work and School (%)	7 to 14	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable
Primary Completion Rate (%)		Unavailable	88.1	Unavailable	68.9	Unavailable





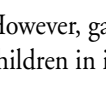

Source for primary completion rate: Data from 2007 published by UNESCO Institute for Statistics, 2018. (5)

Data were unavailable from Understanding Children's Work Project's analysis, 2015. (6)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories recognize the jurisdiction and sovereignty of the United Kingdom, but they are constitutionally not part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (7) Domestic UK law does not generally apply unless explicitly extended in Anguilla, the British Virgin Islands, and Montserrat. The Falkland Islands and Saint Helena, Ascensión, and Tristán da Cunha generally incorporate English Law Ordinances to the extent permitted by local circumstances and subject to modification by local laws. (3) 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. (3; 7) The following conventions have been extended to the Overseas Territories of the UK (Table 2).

**Table 2. Ratification of International Conventions on Child Labor**

Convention	Ratifications				
	A	BVI	FI	M	SH
 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 Governments of the Overseas Territories of the UK have established laws and regulations related to child labor (Table 3). However, gaps exist in their legal frameworks to adequately protect children from child labor, including prohibition of using children in illicit activities.

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**Table 3. Laws and Regulations on Child Labor**

ANGUILLA			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	12	Articles 1 and 3–4 of the Employment of Women, Young Persons and Children Act; Articles 1–2 of the Employment of Children (Restriction) Act (8; 9)
Minimum Age for Hazardous Work	No	14	Articles 1 and 3–4 of the Employment of Women, Young Persons and Children Act; Articles 1–2 of the Employment of Children (Restriction) Act (8; 9)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Article 6 of the Employment of Women, Young Persons and Children Act (8)
Prohibition of Forced Labor	Yes		Article 4 of the Constitution Order; Articles 147–148 and 152–153 of the Criminal Code (10; 11)
Prohibition of Child Trafficking	Yes		Articles 152–153 of the Criminal Code (10)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 147–148, 150 and 152–153 of the Criminal Code (10)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	N/A†		
Non-state	No		
Compulsory Education Age	Yes	17	Article 117 of the Education Act (12)
Free Public Education	Yes		Article 106 of the Education Act (12)

\* No conscription (13)

† No standing military (7; 13)

The minimum work age of 12 does not meet international standards. There is also a minimum work age of 14, but it only applies to industrial undertakings, transportation of passengers or goods by roads or rail, and work on ships. (8; 9) Moreover, the minimum age of 14 for hazardous work does not meet international standards. However, there is a prohibition of night work for children under age 16 in manufacturing of raw sugar, and a prohibition of night work in other industrial undertakings for children under 18. (8) Additionally, Anguilla does not prohibit the use of children in illicit activities, including the production and trafficking of drugs. (10; 14; 15) The law does not criminally prohibit the recruitment of children by non-state armed groups. (10)

BRITISH VIRGIN ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 128 of the Labor Code (16)
Minimum Age for Hazardous Work	Yes	18	Article 130 of the Labor Code (16)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 130 and 146 of the Labor Code (16)
Prohibition of Forced Labor	Yes		Article 14 of the Constitution Order; Section 201A of the Criminal Code; Article 130 of the Labor Code (16; 17; 18)
Prohibition of Child Trafficking	Yes		Section 201A of the Criminal Code (18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 284A of the Criminal Code; Article 130 of the Labor Code (16; 18)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	N/A†		

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## BRITISH VIRGIN ISLANDS

Standard	Meets International Standards: Yes/No	Age	Legislation
Non-state	No		
Compulsory Education Age	Yes	17	Section 2b of the Education Amendment Act of 2014; Division 3, Paragraph 28 of the Education Act (19; 20)
Free Public Education	Yes		Article 22 of the Constitution Order; Section 17 of the Education Act (17; 19)

\* No conscription (21)

† No standing military (7; 21)

In the British Virgin Islands, the Labor Code specifies that hazardous work is to be defined by the Minister of Labor, but the Minister of Labor has not defined hazardous work for children. (3; 4) In addition, the minimum age of 14 for light work is not in compliance with international standards. The law does not criminally prohibit the recruitment of children by non-state armed groups. (18)

## FALKLAND ISLANDS

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 3 of the Employment of Children Ordinance (22)
Minimum Age for Hazardous Work	No	16	Section 3 of the Employment of Children (Amendment) Ordinance; Sections 3 and 4A of the Employment of Women, Young Persons, and Children Act (22; 23)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 3 of the Employment of Children (Amendment) Ordinance; Section 3 of the Employment of Women, Young Persons, and Children Act (22; 23)
Prohibition of Forced Labor	No		Chapter 1, Section 4 of the Constitution Order (24)
Prohibition of Child Trafficking	No		Part 1, Sections 57–60 of the Sexual Offences Act (25)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part 1 of the Sexual Offences Act (25)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	17	
Non-state	No		
Compulsory Education Age	Yes	16	Education Amendment Ordinance; Chapter 1, Section 12 of the Constitution Order (24; 26)
Free Public Education	Yes		Education Amendment Ordinance; Chapter 1, Section 12 of the Constitution Order (24; 26)

\* No conscription (27)

The minimum age of 14 for work is not in compliance with international standards. (22) The minimum age of 16 for hazardous work is not in compliance with international standards. (22; 23)

The law does not prohibit adults from using, procuring, and offering a child in the production and trafficking of drugs in the Falkland Islands. Although child trafficking has not been identified as a problem, the law does not criminalize trafficking children for labor exploitation. (28; 25; 24) Also, the law does not criminally prohibit the recruitment of children by non-state armed groups.

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MONTSERRAT			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Part 9 of the Labor Code (29)
Minimum Age for Hazardous Work	Yes	18	Parts 9–10 of the Labor Code (29)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Part 9 of the Labor Code (29)
Prohibition of Forced Labor	Yes		Schedule II, No. 55 of the Constitution Order; Part VIII-A, Sections 138A and 202D of the Penal Code (30; 31)
Prohibition of Child Trafficking	Yes		Part VIII-A, Sections 138A–B, and Part XIV-A of the Penal Code (30)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part VIII-A, Sections 138A–B of the Penal Code (30)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 96(8) of the Labor Code (29)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	N/A		
Non-state	No		Articles 3 and 96(8) of the Labor Code (29)
Compulsory Education Age	Yes	16	Chapter II, Part 3 of the Education Act (32)
Free Public Education	Yes		Chapter II, Part 1 of the Education Act (32)

\* No conscription (33)

Children under age 18 may not be employed at night, or in occupations designated as hazardous. (29) The Minister of Labor for Montserrat is entrusted with the responsibility of deciding what constitutes hazardous work but Montserrat has not determined by national law or regulation the types of hazardous work prohibited for children. (29) The law does not criminally prohibit the recruitment of children by non-state armed groups. The law does not criminally prohibit the use of children in illicit activities. (27)

SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Section 157B of the Welfare of Children Ordinance (34)
Minimum Age for Hazardous Work	Yes	18	Sections 157B and 158 of the Welfare of Children Ordinance (34)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Sections 157A and 158 of the Welfare of Children Ordinance (34)
Prohibition of Forced Labor	No		Sections 8 (Saint Helena), 125 (Ascensión), and 190 (Tristán da Cunha) of the Constitution Order (35)
Prohibition of Child Trafficking	No		Articles 57–60 of the Sexual Offences Act (25)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 47–51 of the Sexual Offences Act; Sections 145–147 of the Welfare of Children Ordinance (25; 34)
Prohibition of Using Children in Illicit Activities	No		
Prohibition of Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	N/A†		
Non-state	No		
Compulsory Education Age	Yes	16	Section 34 of the Education Ordinance (Saint Helena and Tristán da Cunha) (36)
		16	Ascensión Island Education Policy (Ascensión) (37)
Free Public Education	Yes		Section 16 (Saint Helena), Section 132 (Ascensión), and Section 198 (Tristán da Cunha) of the Constitution Order; Section 43 (Saint Helena) of the Education Ordinance; and Education Policy (Ascensión) (35; 36; 37)

\* No conscription (38)

† No standing military (38)

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Saint Helena, Ascensión, and Tristán da Cunha (STATC) have not determined by national law or regulation the types of work prohibited to children, other than work on vessels engaged in maritime navigation. (34) The laws prohibiting forced labor in STATC are not sufficient as debt bondage and slavery are prohibited constitutionally, but not criminally. (35) While the UK Sexual Offences Act, which is applicable to this territory, prohibits trafficking for sexual exploitation, there are no laws prohibiting the trafficking of children for labor exploitation. (39) The law also does not criminally prohibit the recruitment of children 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. However, in Anguilla, the British Virgin Islands, the Falkland Islands, and Montserrat, the UK government has established an institutional mechanism for the enforcement of labor laws. (Table 4).

**Table 4. Agencies Responsible for Child Labor Law Enforcement**

ANGUILLA	
Organization/Agency	Role
Department of Labor of the Ministry of Finance, Economic Development, Investments, and Tourism	Enforce child labor laws through the Labor Commissioner, pursuant to the Employment of Children (Restriction) Act. (40)
Department of Social Development of the Ministry of Social Development	Safeguard the well-being of children and investigate reports of child abuse. (41; 42)
Royal Anguilla Police Force	Investigate child protection cases. (41; 42)
BRITISH VIRGIN ISLANDS	
Organization/Agency	Role
Ministry of Labor	Enforce labor laws and collect data and statistics on violations of the Labor Code. (16)
FALKLAND ISLANDS	
Organization/Agency	Role
Royal Falkland Islands Police	Enforce laws protecting children against abuses, including sexual abuses. (43)
MONTSERRAT	
Organization/Agency	Role
Department of Labor	Prohibit employment of children, pursuant to the Labor Code of 2012, under the Labor Commissioner. (44; 40)
Royal Montserrat Police Service	Enforce laws involving children outside of the labor law. (40)
Department of Social Services	Employ social workers to work on child protection issues. (40)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears no need for mechanisms to coordinate efforts to address child labor. However, the Governments of Anguilla and the Falkland Islands have established mechanisms to coordinate their efforts to address child labor (Table 5).

**Table 5. Key Mechanisms to Coordinate Government Efforts on Child Labor**

ANGUILLA	
Coordinating Body	Role and Description
Ministry of Social Development	Implement child protection efforts and ensure that Anguilla complies with the CRC. (45)
FALKLAND ISLANDS	
Coordinating Body	Role and Description
Falkland Islands Safeguarding Children Board	Ensure children's welfare, including protection from sexual abuses. Chaired by the Director of Health and Social Services, members include the Education Department, the Attorney General's Chambers, Social Services, Royal Falkland Islands Police, healthcare professionals, members of the Legislative Assembly, and a representative from the military community. (46)

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## 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. However, the Government of Anguilla has established the Child Protection National Action Plan, Safeguarding and Child Protection Protocols and Procedures, and an Inter-Agency Child Protection Protocol. All of these policies may contribute to the prevention of child labor. (47; 48; 45; 41; 42; 49; 50; 51)

During the reporting period, the ministers of labor from Anguilla and the British Virgin Islands attended the 10<sup>th</sup> ILO Meeting of Caribbean Ministers of Labor: Realizing Decent Work Under the 2030 Agenda, where they discussed and participated in a regional initiative to eliminate child labor in the Caribbean. (52; 53)

## 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. However, the Government of Anguilla established the Safeguarding Children in Anguilla Project and Child Safeguarding in the Overseas Territories Regional Project that may contribute to the prevention of child labor. (45; 54; 55; 56) In addition, the Government of the British Virgin Islands has established child protection programs promoting children's rights, which may contribute to the prevention of child labor. (2; 40)

In 2017, two category five hurricanes impacted Anguilla and the British Virgin Islands, and had minor impacts on Montserrat. (4) During this time, all education services were temporarily disrupted. (4) When schools reopened after the hurricanes in Anguilla, the Ministries of Health, Education, and Human Development, in cooperation with UNICEF, supported children who experienced emotional trauma. (57; 58; 40) Likewise, the Ministry of Education and UNICEF worked together to reopen schools through recovery assistance in the British Virgin Islands. (58; 40)

## VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor in Anguilla, the British Virgin Islands, the Falkland Islands, Montserrat, and Saint Helena, Ascension, and Tristán da Cunha (Table 6).

**Table 6. Suggested Government Actions to Prevent Child Labor**

ANGUILLA		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law establishes age 15 as the minimum age for work in all sectors.	2016 – 2017
	Establish 18 as the minimum age for all hazardous work.	2011 – 2017
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2017
	Ensure the law prohibits the use of children in illicit activities, including drug trafficking and production.	2014 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017
BRITISH VIRGIN ISLANDS		
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 – 2017
	Raise the minimum age for light work to age 15 to comply with international standards.	2017
	Ensure that the use of children in illicit activities, including the production and trafficking of drugs, is criminally prohibited.	2015 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017



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FALKLAND ISLANDS		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law establishes age 15 as the minimum age for work in all sectors.	2017
	Ensure that the minimum age for hazardous work is age 18; that children receive adequate training in the type of work they perform; and that the health, safety, and morals of children are protected.	2015 – 2017
	Ensure that the law protects all children under age 18 from being trafficked for any purpose, including labor exploitation.	2016 – 2017
	Ensure that the law prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2013 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2012 – 2017
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017
MONTserrat		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2017
	Raise the minimum age for light work to 15 to comply with international standards.	2017
	Ensure that the law criminally prohibits the use of children in illicit activities.	2011 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2013 – 2017
	Ensure that forced labor, debt bondage, and slavery are criminally prohibited.	2017
	Establish laws to prohibit the use of children in illicit activities.	2015 – 2017
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016 – 2017
	Establish laws to criminally prohibit trafficking of children for labor exploitation.	2014 – 2017
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2017

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