

Overseas Territories of the United Kingdom

ANGUILLA

MINIMAL ADVANCEMENT

In 2016, Anguilla made a minimal advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor, including its worst forms, exists in Anguilla. The Government funded an online system for the public to report commercial sexual exploitation, which transfers cases reported online involving children to the police. However, the law does not prohibit the involvement of children in illicit activities or provide a comprehensive list of hazardous occupations prohibited for children.

BRITISH VIRGIN ISLANDS

MINIMAL ADVANCEMENT

In 2016, the British Virgin Islands made a minimal 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 British Virgin Islands. The Government funded an online system for the public to report commercial sexual exploitation, which transfers cases reported online involving children to the police. 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)

MINIMAL ADVANCEMENT

In 2016, the Falkland Islands made a minimal 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. The Government continued to fund an online system for the public to report commercial sexual exploitation, which transfers cases reported online involving children to the police. 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

MINIMAL ADVANCEMENT

In 2016, Montserrat made a minimal 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. The Government funded an online system for the public to report commercial sexual exploitation, which transfers cases reported online involving children to the police. 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)

MINIMAL ADVANCEMENT

In 2016, Saint Helena, Ascensión, and Tristán da Cunha (formerly Saint Helena) made a minimal 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. The Government funded an online system for the public to report commercial sexual exploitation, which transfers cases reported online involving children to the police. However, there isn't a minimum age for work and the law does not prohibit the involvement of children in illicit activities. Gaps also remain in forced labor legislation and in the prohibition of trafficking of children for labor exploitation.

Overseas Territories of United Kingdom

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, including its worst forms, exists in Anguilla (A), the British Virgin Islands (BVI), the Falkland Islands (FI), Montserrat (M), and Saint Helena, Ascensión, and Tristán da Cunha (SH).(1-3)

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




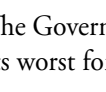


Source for primary completion rate: Data from 2007 published by UNESCO Institute for Statistics, 2015.(4)

Data were unavailable from Understanding Children's Work Project's analysis, 2015.(5)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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.(6) 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, 6) 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, including its worst forms (Table 3).

Overseas Territories of the United Kingdom

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, 3, and 4 of the Employment of Women, Young Persons and Children Act; Articles 1 and 2 of the Employment of Children (Restriction) Act (7, 8)
Minimum Age for Hazardous Work	No	14	Articles 1, 3, and 4 of the Employment of Women, Young Persons and Children Act; Articles 1 and 2 of the Employment of Children (Restriction) Act (7, 8)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Article 6 of the Employment of Women, Young Persons and Children Act (7)
Prohibition of Forced Labor	Yes		Article 4 of the Constitution Order; Articles 147–148 and 152–153 of the Criminal Code (9, 10)
Prohibition of Child Trafficking	Yes		Articles 152 and 153 of the Criminal Code (9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 147, 148, 150, 152, and 153 of the Criminal Code (9)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	N/A†		
Non-state Compulsory	No		
Compulsory Education Age	Yes	17	Article 117 of the Education Act (11)
Free Public Education	Yes		Article 106 of the Education Act (11)

* No conscription (12)

† No standing military (6, 12)

In 2016, Anguilla held a series of consultations for the passage of the Status of Children Bill and the Maintenance of Children Bill.(13-15) The Status of Children Bill abolishes the distinction between children born in wedlock and out of wedlock, providing them equal status.(15, 16) The Maintenance of Children Bill grants access to the child if both parents are separated, obligating them to maintain and provide upbringing to the child.(14, 16)

The minimum age for work of 12 does not meet international standards. There is a minimum age of 14 that only applies to industrial undertakings, transportation of passengers or goods by roads or rail, and work on ships.(7, 8) The minimum age for hazardous work of 14 also 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.(7) Additionally, research could not determine whether Anguillan law prohibits the use of children in illicit activities, such as drug trafficking, because the Drug Trafficking Ordinance was not publically available. The law does not criminally prohibit the recruitment of children by non-state armed groups.(9)

BRITISH VIRGIN ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 128 of the Labor Code (17)
Minimum Age for Hazardous Work	Yes	18	Article 130 of the Labor Code (17)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 130-130.4, 134, and 146 of the Labor Code (17)
Prohibition of Forced Labor	Yes		Article 14 of the Constitution Order; Section 201A of the Criminal Code; Article 130 of the Labor Code (17-19)
Prohibition of Child Trafficking	Yes		Section 201A of the Criminal Code (19)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 284A of the Criminal Code; Article 130 of the Labor Code (17, 19)

Overseas Territories of United Kingdom

BRITISH VIRGIN ISLANDS (cont)			
Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A**†		
State Voluntary	N/A†		
Non-state Compulsory	No		
Compulsory Education Age	Yes	17	Section 2b of the Education Amendment Act of 2014; Division 3, Paragraph 28 of the Education Act (20, 21)
Free Public Education	Yes		Article 22 of the Constitution Order; Section 17 of the Education Act (18, 20)

* No conscription (12)

† No standing military (6, 12)

In the British Virgin Islands, the Labor Code specifies that hazardous work is to be defined by the Minister. 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 for children.(2) However, the Government has not yet determined the types of hazardous work prohibited for children beyond night work and the use of dangerous machinery.(2) The law does not criminally prohibit the recruitment of children by non-state armed groups.

FALKLAND ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No		Section 4 of the Employment of Women, Young Persons, and Children Act (22, 23)
Minimum Age for Hazardous Work	No		Section 3 of the Employment of Children (Amendment) Ordinance; Sections 3 and 4A of the Employment of Women, Young Persons, and Children Act (22-24)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 3 of the Employment of Children (Amendment) Ordinance (22, 25)
Prohibition of Forced Labor	Yes		Chapter 1, Section 4 of the Constitution Order; Part 1, Sections 57–60 of the Sexual Offences Act (26, 27)
Prohibition of Child Trafficking	Yes		Part 1, Sections 57–60 of the Sexual Offences Act (26)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part 1 of the Sexual Offences Act (26)
Prohibition of Using Children in Illicit Activities	No		Title 49 of the Drug Trafficking Ordinance (25)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	17	
Non-state Compulsory	No		
Compulsory Education Age	Yes	16	Education Amendment Ordinance; Chapter 1, Section 12 of the Constitution Order (27, 28)
Free Public Education	Yes		Education Amendment Ordinance; Chapter 1, Section 12 of the Constitution Order (27, 28)

* No conscription (12)

In the Falkland Islands, the Employment of Women, Young Persons, and Children Ordinance of 1968, (EWYPC Ordinance) as amended in 2006, and the Employment of Children Ordinance extend to the Falkland Islands.(24) The EWYPC Ordinance makes it illegal to employ children under age 15 in work that exposes them to physical, psychological, or sexual abuse.(29) The EWYPC Ordinance protects these children from night work, work underground, work underwater,

Overseas Territories of the United Kingdom

work at dangerous heights, and work in confined spaces, as well as from work that requires using dangerous machinery, equipment, or tools without training and supervision.(22, 25) The minimum age of 15 for hazardous work is not in compliance with international standards.

The Drug Trafficking Ordinance does not prohibit adults from using, procuring, and offering a child in the production and trafficking of drugs in the Falkland Islands.(30) Although child trafficking has not been identified as a problem, the law does not criminalize trafficking children for labor exploitation.(22, 26, 27) Also, the law does not criminally prohibit the recruitment of children by non-state armed groups.

The Government of the Falkland Islands has implemented the Children Ordinance of 2014 with the aim of providing additional legal protection for children on the islands.(31) It is unclear whether this law addresses child labor, because this law does not appear to have been made public.

MONTSERRAT			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Part 9 of the Labor Code (32)
Minimum Age for Hazardous Work	Yes	18	Parts 9 and 10 of the Labor Code (32)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Part 9 of the Labor Code (32)
Prohibition of Forced Labor	Yes		Schedule II, No. 55 of the Constitution Order; and Part VIII-A, Sections 138A and 202D of the Penal Code (33, 34)
Prohibition of Child Trafficking	Yes		Part VIII-A, Sections 138A–B and Part XIV-A of the Penal Code (33)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part VIII-A, Sections 138A–B of the Penal Code (33)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 98.6 of the Labor Code (32)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	N/A		
Non-state Compulsory	No		Articles 3 and 98.6 of the Labor Code (32)
Compulsory Education Age	Yes	16	Chapter II, Part 3 of the Education Act (35)
Free Public Education	Yes		Chapter II, Part 1 of the Education Act (35)

* No conscription (12)

In Montserrat, the Labor Code prohibits the employment of children under age 16; however, it includes an exception allowing the employment of children older than age 14 in light work. In addition, children under age 18 may not be employed at night or in occupations designated as hazardous.(32) The Minister of Labor for Montserrat is entrusted with the responsibility of deciding what constitutes hazardous work.(32) The law does not criminally prohibit the recruitment of children by non-state armed groups. Research could not find whether the law prohibits the use of children in illicit activities.

SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	Yes	18	Section 158 of the Welfare of Children Ordinance (36)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 158(2) of the Welfare and Children Ordinance (36)
Prohibition of Forced Labor	Yes		Sections 8 (Saint Helena), 125 (Ascensión), and 190 (Tristán da Cunha) of the Constitution Order (37)
Prohibition of Child Trafficking	Yes		Articles 57–60 of the Sexual Offences Act (26)

Overseas Territories of United Kingdom

SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA (cont)			
Standard	Meets International Standards: Yes/No	Age	Legislation
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 (26, 36)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	N/A†		
Non-state Compulsory	No		
Compulsory Education Age	Yes	16	Section 34 of the Education Ordinance (Saint Helena and Tristán da Cunha) (38)
		16	Ascensión Island Education Policy (Ascensión) (39)
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) (37-39)

* No conscription (12)

† No standing military (12)

In 2016, the Government of Saint Helena, Ascensión, and Tristán da Cunha (Government of STATC) stated that it intends to make their laws fully compliant with the UN CRC in the near future. During the reporting period, the laws were being reviewed and consolidated for a bill to be introduced in 2017.(3)

Saint Helena, Ascensión, and Tristán da Cunha do not have laws establishing a minimum age for work.(40) The minimum age of 15 for work on vessels is not in compliance with international standards because the Government of STATC has reported that work on fishing vessels is hazardous.(1, 4) The laws prohibiting forced labor in Saint Helena, Ascensión, and Tristán da Cunha are not sufficient as debt bondage and slavery are prohibited constitutionally, but not criminally.(37) 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.(41) The law also does not criminally prohibit the recruitment of children by non-state armed groups.

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

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, although child labor is not a problem. In Saint Helena, Ascensión, and Tristán da Cunha, where child labor is not reported to be a problem, research did not find institutional mechanisms for the enforcement of child labor (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.(42, 43)
Department of Social Development of the Ministry of Social Development	Safeguard the well-being of children and investigate reports of child abuse. (44, 45)
Royal Anguilla Police Force	Investigate child protection cases.(44, 45)

Overseas Territories of the United Kingdom

BRITISH VIRGIN ISLANDS	
Organization/Agency	Role
Ministry of Labor	Enforce labor laws and collect data and statistics on violations of the Labor Code.(17)

FALKLAND ISLANDS	
Organization/Agency	Role
Royal Falkland Islands Police	Enforce laws protecting children against abuses, including sexual abuses.(46)

MONTserrat	
Organization/Agency	Role
Department of Labor	Prohibit employment of children, pursuant to the Labor Code of 2012.(47)
Royal Montserrat Police Service	Enforce laws involving children.(48)
Department of Social Services	Employ social workers to work on child protection issues.(48)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Governments of Anguilla and the Falklands Islands have established a mechanism to coordinate efforts to address child labor, including its worst forms, although there appears to be no evidence of a problem. The British Virgin Islands, Montserrat, and Saint Helena, Ascensión, and Tristán da Cunha do not have mechanisms to coordinate efforts to address child labor, including its worst forms, but there is no evidence of a problem in these territories (Table 5).

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

ANGUILLA	
Coordinating Body	Role & Description
Ministry of Social Development	Implement child protection efforts and ensure that Anguilla complies with the CRC.(43)

FALKLAND ISLANDS	
Coordinating Body	Role & 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.(49)

In 2016, the UK Government funded an online system for reporting commercial sexual exploitation in Anguilla, the British Virgin Islands, Montserrat, and Saint Helena, Ascensión, and Tristán da Cunha.(3) It allows people to report child abuse anonymously online. Reports are assessed and forwarded to the police.(3) While the Falkland Islands were not part of the funding for this reporting system, they continued to implement a similar system to report commercial sexual exploitation.(50)

At the 2016 Overseas Territories Joint Ministerial Council, leaders of the UK OTs discussed the development of a national response plan for child safeguarding on the islands.(3) The Government of the British Virgin Islands, the Falkland Islands, Montserrat, and Saint Helena, Ascensión, and Tristán da Cunha signed an Overseas Territory Memorandum of Understanding developed by the Falkland Islands. The Memorandum promotes more effective collaboration between the UK OTs.(3)

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 Anguilla, the British Virgin Islands, the Falkland Islands, Montserrat, and Saint Helena, Ascensión, and Tristán da Cunha. However, Anguilla has established the Child Protection National Action Plan, Safeguarding and Child Protection

Overseas Territories of United Kingdom

Protocols and Procedures and an Inter-Agency Child Protection Protocol. All of these policies may contribute to the prevention of child labor.(13, 40, 42-45, 51-53)

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, including its worst forms, in Anguilla, the British Virgin Islands, the Falkland Islands, Montserrat, and Saint Helena, Ascension, and Tristán da Cunha. However, Anguilla has established the Safeguarding Children in Anguilla Project, Department for Youth and Culture Programming, and Child Safeguarding in the Overseas Territories Regional Project that may contribute to the prevention of child labor.(43, 54-56) The British Virgin Islands has established the Child Safeguarding in the Overseas Territories Regional Project and other child protection programs that may contribute to the prevention of child labor.(2, 55) Montserrat has established the UNICEF Program on Children's Rights, Policies, and Education that may contribute to the prevention of child labor.(57)

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 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, Including its Worst Forms

ANGUILLA		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law establishes 14 as the minimum age for work in all sectors.	2016
	Establish 18 as the minimum age for all hazardous work.	2011 – 2016
	Ensure the law prohibits the use of children in illicit activities, such as drug trafficking.	2014 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
BRITISH VIRGIN ISLANDS		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the use of children in illicit activities, including the production and trafficking of drugs, is criminally prohibited.	2015 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2012 – 2016
FALKLAND ISLANDS		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the minimum age for hazardous work is 18, that children receive adequate training in the type of work, and that the health, safety, and morals of children are protected.	2015 – 2016
	Clarify whether the law prohibits the use of children in the production and trafficking of drugs.	2013 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Clarify whether the law protects all children under age 18 from being trafficked for any purpose, including labor exploitation.	2012 – 2016
	Clarify whether the Children Ordinance of 2014 provides protection from child labor, including its worst forms.	2015 – 2016

Overseas Territories of the United Kingdom

MONTserrat		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish laws regarding the use of children for illicit activities.	2011 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
SAINT HELENA, ASCENSIÓN, AND TRISTÁN DA CUNHA		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a legal minimum age for work in compliance with international standards.	2012 – 2016
	Ensure that types of hazardous work prohibited for children are comprehensive	2013 – 2016
	Establish laws to prohibit the use of children in illicit activities.	2015 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Establish laws to criminally prohibit trafficking of children for labor exploitation.	2014 – 2016

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