

Although research found no evidence that child labor exists in the British Virgin Islands, in 2019 the government made no advancement in efforts to prevent the worst forms of child labor. The British Virgin Islands does not have a list of hazardous work prohibited for children and does not prohibit the use of children in illicit activities.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the British Virgin Islands. (1-3) Table 1 provides one key indicator on children's education in the British Virgin Islands. Data on other key indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|---------|-------------|
| Working (% and population) | 5 to 14 | Unavailable |
| Attending School (%) | 5 to 14 | Unavailable |
| Combining Work and School (%) | 7 to 14 | Unavailable |
| Primary Completion Rate (%) | | 95.5 |

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2020. (4)




All other data were unavailable from International Labor Organization's analysis, 2020. (5)

The cost of uniforms, books, and lunches prevents some children from attending school. In addition, violence in schools can deter children from attending. (2,4) Children not in school may be vulnerable to engage in child labor.

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. (1) Domestic UK law does not generally apply unless explicitly extended to the British Virgin Islands. (1) Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. (1) If the Convention is accepted, it is considered applicable to that territory. (1) The following Convention has been extended to the British Virgin Islands. The British Virgin Islands has accepted one of them (Table 2).

Table 2. 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 British Virgin Islands has established laws and regulations related to child labor (Table 3). However, gaps exist in the British Virgin Islands' legal framework to adequately protect children from the worst forms of child labor, including prohibition of using children in illicit activities.

British Virgin Islands

NO ADVANCEMENT

Table 3. Laws and Regulations on Child Labor

| Standard | Meets International Standards | Age | Legislation |
|-------------------------------------------------------------------------------|-------------------------------|-----|--------------------------------------------------------------------------------------------------------------|
| Minimum Age for Work | Yes | 16 | Article 128 of the Labor Code (6) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 130 of the Labor Code (6) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | No | | Articles 130 and 146 of the Labor Code (6) |
| Prohibition of Forced Labor | Yes | | Article 14 of the Constitution Order; Section 201A of the Criminal Code; Article 130 of the Labor Code (6-8) |
| Prohibition of Child Trafficking | Yes | | Section 201A of the Criminal Code (8) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Section 284A of the Criminal Code; Article 130 of the Labor Code (6,8) |
| Prohibition of Using Children in Illicit Activities | 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 | Yes | 17 | Section 2b of the Education Amendment Act of 2014; Division 3, Paragraph 28 of the Education Act (9,10) |
| Free Public Education | Yes | | Article 22 of the Constitution Order; Section 17 of the Education Act (7,9) |

* No conscription (11)

† No standing military (11)

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. (1,3,12) As the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (6,9,10)

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 the British Virgin Islands, 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

| Organization/Agency | Role |
|---------------------|-------------------------------------------------------------------------------------------|
| Ministry of Labor | Enforces labor laws and collects data and statistics on violations of the Labor Code. (6) |

In the British Virgin Islands, the Ministry of Labor proactively plans and conducts labor inspections. There is one labor inspector who assesses penalties for labor law violations. (3,13) The labor inspector may assess penalties for labor law violations during the initial inspection and is permitted to conduct unannounced inspections. The existence of only one labor inspector is a barrier to uncovering additional violations; however, the British Virgin Islands makes the most use of its single labor inspector by conducting annual inspections on newly established businesses and work sites or those reported by employees or other stakeholders for possible violations. (3) Most inspections occurred on the islands of Tortola and Virgin Gorda. A total of 231 inspections were conducted during the reporting period. (3) While none were specific to child labor, inspectors reported no derogatory observations on child labor. (13)

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. However, 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. (14,15)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor in the British Virgin Islands (Table 5).

Table 5. Suggested Government Actions to Eliminate Child Labor

| 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 – 2019 |
| | Ensure that the use of children in illicit activities, including the production and trafficking of drugs, is criminally prohibited. | 2015 – 2019 |
| | Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups. | 2016 – 2019 |
| | Raise the minimum age for work to the age up to which education is compulsory. | 2018 – 2019 |
| Social Programs | Collect and publish data on the extent and nature of child labor to inform policies and programs. | 2019 |
| | Ensure that all children can attend school by eliminating prohibitive school costs and violence in schools. | 2018 – 2019 |

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