# British Virgin Islands

**No Advancement**

In 2014, the British Virgin Islands made no advancement in efforts to prevent the worst forms of child labor. Although no information suggests that the worst forms of child labor are a problem, the Government appears to lack a complete preventive legal framework to protect all children. The Government has not developed a list of hazardous occupations prohibited for children.

# 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](#_ENREF_1))

# Legal Framework for the Worst Forms of Child Labor

British Overseas Territories (OTs) 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. Domestic UK law does not generally apply to OTs, unless explicitly extended.([2](#_ENREF_2))

The following convention has been extended to the British Virgin Islands (Table 1).([2](#_ENREF_2))

**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 in 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 ([3](#_ENREF_3)) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 130 of the Labor Code of 2010 ([3](#_ENREF_3)) |
| Prohibition of Hazardous Occupations or Activities for Children | No |  |  |
| Prohibition of Forced Labor | Yes |  | Article 14 of the Constitutional Order 2007; Article 130 of the Labor Code of 2010 ([3](#_ENREF_3), [4](#_ENREF_4)) |
| Prohibition of Child Trafficking | Yes |  | Section 201A of the Criminal Code, Article 130 of the Labor Code of 2010 ([3](#_ENREF_3), [5](#_ENREF_5)) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes |  | Section 284A of the Criminal Code; Article 130 of the Labor Code of 2010 ([3](#_ENREF_3), [5](#_ENREF_5)) |
| Prohibition of Using Children in Illicit Activities | Yes |  | Sections 201A, 284A of the Criminal Code; Article 130 of the Labor Code of 2010 ([3](#_ENREF_3), [5](#_ENREF_5)) |
| Minimum Age for Compulsory Military Recruitment | N/A\*† |  |  |
| Minimum Age for Voluntary Military Service | Combat: Yes | 18  16 | Section 328.2 of the UK Armed Forces Act 2006 ([2](#_ENREF_2), [6](#_ENREF_6)) |
| Noncombat: Yes |
| Compulsory Education Age | Yes | 16 | Section 1 of the Education Act 2004 ([7](#_ENREF_7)) |
| Free Public Education | Yes |  | Article 22 of the Constitutional Order of 2007; Section 17 of the Education Act 2004 ([4](#_ENREF_4), [7](#_ENREF_7)) |

\* No standing military ([2](#_ENREF_2))

† No conscription ([2](#_ENREF_2))

The British Virgin Islands has no standing military or defense force, but citizens may join the UK military.([2](#_ENREF_2)) The UK Government has introduced systems to track the ages and locations of individual soldiers, to prevent those under age 18 from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached 18 years is permitted when there is a genuine need and the situation is urgent.([8-11](#_ENREF_8))

# Enforcement of Laws on the Worst Forms of Child Labor

Even though there is no evidence of a problem, the 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.([3](#_ENREF_3)) |

# 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 coordinating mechanisms to address child labor, including its worst forms.

# 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.

# Social Programs to Address the Worst Forms of Child Labor

In 2014, the Government of the British Virgin Islands participated in a program that may have an impact on 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 Department for International Development and implemented by UNICEF to increase the Governments’ capacity to safeguard children in the Eastern Caribbean.([12](#_ENREF_12)) |

# 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 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 | Develop a list of hazardous occupations prohibited for children under age 18. | 2012 – 2014 |

1. U.S. Embassy London official. Cable to USDOL official. January 21, 2014.

2. U.S. Embassy London official. E-mail communication to USDOL official. May 8, 2014.

3. Government of the British Virgin Islands. *Labour Code*, 4, enacted 2010. <http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf>.

4. 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>.

5. Government of the British Virgin Islands. *Criminal Code (Amendment) Act, 2007*, 3, enacted February 8, 2007. <http://www.bvigazette.org/extrafile/G00029_Criminal%20Code%20(Amendment)%20Act,%202007.pdf>.

6. Government of the United Kingdom of Great Britain and Northen Ireland. *Armed Forces Act 2006*, enacted 2006. <http://www.legislation.gov.uk/ukpga/2006/52/contents>.

7. Government of the British Virgin Islands. *Education Act*, 10, enacted 2004.

8. Government of the United Kingdom of Great Britain and Northern Ireland. *United Kingdom Armed Forces Act*, Chapter 52, enacted November 2006. <http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga_20060052_en.pdf>

9. U.S. Embassy official. E-mail communication to USDOL official. May 9, 2014.

10. Child Soldiers International. "Appendix II: Data Summary on Recruitment Ages of National Armies," 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>

11. Owen, J. "One in Six Recruits to Army is Aged 16." The Independent, London, May 29, 2011. <http://www.independent.co.uk/news/uk/home-news/one-in-six-recruits-to-army-is-aged-16-2290403.html>.

12. UNICEF. *New DFID-UNICEF Project to Safeguard Children in the British Overseas Territories*; February 28, 2014. <http://www.unicef.org/easterncaribbean/ECAO_Monstserrat_launch.pdf>.