

# Non-Independent Countries and Territories

There is limited information regarding the **Prevalence and Sectoral Distribution of the Worst Forms of Child Labor** in non-independent countries and territories eligible for GSP, AGOA and CBTPA benefits.(1) Statistics on child work and school attendance are often not available from the sources used in this report. In some cases, there is no evidence to suggest that the worst forms of child labor exist in certain non-independent countries and territories. In these cases, when laws appear to meet the guidelines called for in ILO Convention 182 and embodied in the TDA, no recommendations for action have been included.

These non-independent countries and territories generally are not eligible to become members of ILO, so the organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182) do not apply to the majority of them.(2, 3) Territories are generally subject to the laws of the sovereign country.

## Assessments

Evidence suggests that the worst forms of child labor are an issue in some non-independent countries and territories. These entities are assessed in the same manner that all other countries included in this report are assessed. Other non-independent countries and territories do not appear to have a problem with the worst forms of child labor. These entities fall into three types.

The first type of non-independent country and territory involves one in which the population of children is either non-existent or extremely small (under 50). For this reason, OCFT does not write profiles on these territories. The three territories that fit this category are Heard and McDonald Islands, the Pitcairn Islands and the British Indian Ocean Territories/Chagos Archipelago. The Heard and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.(4) The British Indian Ocean Territories is inhabited by U.S. and U.K. military personnel.(5)

The second type of non-independent country and territory is one with no evidence of a worst form of child labor problem and with a good legal and enforcement framework. Such entities will be marked "No assessment". Given the lack of a demonstrated problem, along with the presence of a preventive

legal and enforcement framework, OCFT does not include recommendations for these territories. OCFT would likewise not assess these territories' efforts. (There are currently seven territories that fit this category. If new evidence emerged that showed the worst forms of child labor had been eliminated in certain countries, it would be theoretically possible for such countries, as long as they had a good legal framework, to fit into this category.)

The third type of non-independent country and territory is one in which there is no evidence of a worst forms of child labor problem, but that lacks a good legal and enforcement framework. The lack of such a framework is a gap in efforts to prevent the worst forms of child labor. For this reason, such non-independent countries and territories are assessed as "No advancement."

## REFERENCES

1. U.S. Government. *Harmonized Tariff Schedule of the United States (Rev. 1)*; 2010. <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.
2. ILO. *Constitution of the International Labour Organization*; 1948. <http://www.ilo.org/ilolex/english/constq.htm>. Most of the areas covered in the summary report are considered non-metropolitan territories and are therefore ineligible to become members of ILO. While ILO still does not have an official definition for "non-metropolitan territory," in earlier versions of the ILO Constitution, "colonies, protectorates and possessions which are not fully self governing" was used in place of this term. An ILO member can submit a declaration to ILO requesting that these conventions apply to their non-metropolitan areas. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.
3. ILO official. E-mail communication. USDOL official. January 31, 2002.
4. Central Intelligence Agency. *Pitcairn Islands*, [online] [cited <https://www.cia.gov/library/publications/the-world-factbook/>].
5. U.S. Embassy- London. E-mail communication. USDOL official. April 1, 2011.

## Anguilla

*In 2011, Anguilla made a minimal advancement in efforts to eliminate the worst forms for child labor. Although evidence is limited, children are reportedly involved in commercial sexual exploitation in Anguilla. As a result of the Child Protection National Action Plan, the Government published the Safeguarding and Child Protection Protocols and Procedures, which designates clear responsibilities for government agencies, serves as a guide for recognizing and referring child protection cases, and will assist in the development of future legislation. Despite these efforts, the Government appears to lack a list of hazardous work prohibited to children and does not have the institutional framework or any programs to address the commercial sexual exploitation of children.*

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Anguilla are engaged in the worst forms of child labor, specifically in commercial sexual exploitation. Reportedly, children perform sex acts in exchange for money and gifts.(1) In a number of cases, these transactions reportedly occur with the knowledge, consent and, sometimes, initiation of the child's parent.(1) However, information about the nature and prevalence of the problem remains limited.

## Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 until the age of 17) from employment during the school year, and children younger than age 14 from employment at all times.(2) The Employment of Children (Restriction) Act limits children younger than age 12 from working in any capacity, including light work.(3) Under the Restriction Act, children ages 12 to 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work. In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.(3) It is unclear whether the Education Act or the Employment of Children (Restriction) Act takes precedence in regard to whether children ages 12 to 14 may engage in light work.

The Employment of Women, Young Persons and Children Act prohibits all children younger than age 17 from working in industrial undertakings or at night. This provision may leave children age 17 vulnerable to dangerous work in industrial undertakings or at night.(2) The Governor of the Territory has the authority to expand restrictions on child labor.(3) Research did not identify whether Anguilla has a comprehensive list of hazardous work prohibited for children.

The Constitution prohibits slavery and forced labor.(4) The Criminal Code prohibits the prostitution and abduction of children, and the publishing or circulation of indecent materials. The Code also prohibits the use of children for illicit activities.(2, 5)

Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.(6) The minimum age of 16 for military recruitment appears to fall below the international standard of 18 years established in ILO Convention 182.

The Education Act makes education compulsory to age 17.(2, 7) The law also guarantees free education until age 17.(8)

## Institutional Mechanisms for Coordination and Enforcement

Anguilla has formed a multiagency Child Protection Steering Committee to carry out the Child Protection National Action Plan.(9) The Department of Social Development (DSD) is the main coordinating agency responsible for child protection in Anguilla. The DSD employs social workers to manage and investigate child protection cases.(10) It also works with the Royal Anguilla Police Force to investigate cases involving child abuse, although what responsibility the Police Force has for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation, is not clear from research.(11) However, research found no evidence that the Government of Anguilla has established a coordinating mechanism to combat the commercial sexual exploitation of children.

The Employment of Children (Restriction) Act designates the Labor Commissioner as responsible for enforcing child labor laws. The Act authorizes the Labor Commissioner to investigate work sites where children are believed to be employed, and to prosecute, conduct or defend any information, complaint or other proceeding arising under the Act.(3)

## Government Policies on the Worst Forms of Child Labor

The Government has developed a Child Protection National Action Plan, which calls for the establishment of a child protection protocol and the development of necessary legislative and institutional frameworks to address issues impacting children and their families.(12) During the reporting period, the Government published the Safeguarding and Child Protection Protocols and Procedures to assist in the development of future legislation on child protection.(11, 13) The publication designates clear responsibilities for government agencies and serves as a guide for recognizing and referring child protection cases.(11, 14) The question of whether this policy has had an impact on the commercial sexual exploitation of children does not appear to have been addressed.

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Anguilla participates in Safeguarding Children in the Overseas Territories (SCOT) Program, which is sponsored by the United Kingdom's Department for International Development.(9) Through the SCOT Program, participating governments receive capacity-building and advisory support to implement policies, procedures and best practices to ensure children's health and safety. In Anguilla,

the SCOT program has helped the Government develop child protection protocols, including partnerships with civil society organizations. (9, 15) Additionally, under the SCOT Program, joint training has occurred among the police force, social workers, health workers and teachers to encourage effective reporting and management of child abuse cases.(16)

The question of whether the SCOT Program has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed. Research found no evidence that the Government has carried out programs on the worst forms of child labor, specifically on commercial sexual exploitation.

**Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Anguilla:**

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Clarify whether the Education Act's minimum age of 14 for employment of any type supersedes the Employment of Children (Restriction) Act's rule that allows exceptions to the minimum age of 14.	2009, 2010, 2011
	Ensure that children age 17 are protected from dangerous work in industrial sectors.	2011
	Clarify whether a list exists that limits hazardous work for children under age 18.	2011
	Ensure that the minimum age for military recruitment meets the standards established in ILO Convention 182.	2011
Coordination and Enforcement	Establish a coordination mechanism to combat the commercial sexual exploitation of children.	2009, 2010, 2011
	Collect, analyze and disseminate information regarding the enforcement of relevant laws protecting children from commercial sexual exploitation and other worst forms of child labor.	2009, 2010, 2011
Policies	Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to guide the development of policies to address the problem.	2009, 2010, 2011
	Assess the impact that the Child Protection National Action Plan may have on addressing child labor, particularly commercial sexual exploitation.	2010, 2011
Social Programs	Assess the impact the SCOT Program has had on addressing child labor, particularly commercial sexual exploitation.	2010, 2011
	Implement programs to address the commercial sexual exploitation of children.	2011

## REFERENCES

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2. UN Committee on the Rights of the Child. *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Third and Fourth Periodic Reports of States Parties Due in 2007 - United Kingdom of Great Britain and Northern Ireland*; 2007. [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC\\_C\\_GBR\\_4.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc).
3. Government of Anguilla. *Employment of Children (Restriction) Act*, enacted 2000.
4. Government of Anguilla. *The Anguilla Constitution Order 1982*, enacted April 1, 1982. <http://www.constitutionnet.org/vl/anguilla-constitution-1982>.

5. Government of Anguilla. *Anguilla Criminal Code*, enacted December 15, 2000. <https://www.anguillalaws.com/Acts.asp>.
6. Central Intelligence Agency. "Anguilla," in *The World Factbook*. Washington, DC, 2010; <https://www.cia.gov/library/publications/the-world-factbook/index.html>.
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. UNESCO. *Education for All Global Monitoring Report: Reaching the Marginalized*; 2010. [www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010-marginalization/](http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010-marginalization/).
9. Anguilla Correspondent. "Focus on Child Protection Protocols – Phase Three." *The Anguillian*, The Valley, February 26, 2010; Local News. <http://www.anguillaguide.com/article/articleview/7981/1/140/>.
10. Government of Anguilla: Family and Social Services. "2009 Regional Foster Care Conference: The Status of Foster Care in Anguilla," in 2009; <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CGkQFjAA&url=http%3A%2Fwww.caribbeanfostercare.com%2Ffiles%2FANGUILLA.pdf&ei=nbWzT96pNlai8ATPkNX6CA&usq=AFQjCNGuEeHnZaDFH9vCiiP-rTQNOGw>.
11. Government of Anguilla. *Safeguarding Children in Anguilla, An Abbreviated Guide*; 2011.
12. Christian, I. "Heartically Yours: Building Capacity for Social Protection." *The Anguillian*, The Valley, September 19, 2008. <http://www.festival.ai/index.php/article/articleview/6235/1/2071>.
13. Anguilla Correspondent. "Booklet on Safeguarding Children Launched in Anguilla." *The Anguillian*, The Valley, November 25, 2011; Local News. <http://www.anguillaguide.com/article/articleview/10346/1/140/>.
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15. U.S. Embassy- London. *reporting, December 9, 2010*.
16. U.S. Embassy- London. *reporting, January 19, 2012*.

## British Virgin Islands

### *No Assessment*

### **Prevalence and Sectoral Distribution of the Worst Forms of Child Labor**

There is no evidence that children in the British Virgin Islands are engaged in the worst forms of child labor.

### **Laws and Regulations on the Worst Forms of Child Labor**

The minimum age for employment under the Labor Code of 2010 is 16, and children younger than age 18 are prohibited from hazardous work. However, children ages 14 to 16 may perform light work with approval from the Minister.(1) Children between ages 16 and 18 must have sufficient training and supervision when operating heavy machinery, and all children younger than age 18 are prohibited from night work.(1) The Labor Code also provides for the removal and rehabilitation of children subjected to the worst forms of child labor and makes the offense punishable with a fine, holding both the employer and the child's parent or guardian liable.(1) No information was found on whether the

Government has developed a list of hazardous occupations prohibited to children.

The Constitution prohibits slavery and forced labor.(2) Under the Criminal Code (Amendment) Act of 2007, trafficking in minors and enslaving or bonding children are illegal. The code also prohibits the production, publication or possession of child pornography.(1, 3, 4). The Labor Code prohibits child prostitution, the use of a child for illicit activities, and forced or compulsory military recruitment of children.(1)

Education is free and compulsory until age 16.(5, 6)

### **Institutional Mechanisms for Coordination and Enforcement**

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Commissioner of Labor may appoint inspectors to enforce the provisions of the Labor Code.(1) Research found no information about enforcement of the worst forms of child labor provisions in the Criminal Code.

### **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 the worst forms of child labor.

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

### REFERENCES

1. British Virgin Islands. *Labour Code*, enacted 2010. [http://www.bvigazette.org/extrafile/G00307\\_Labour%20Code%20Act,%202010.pdf](http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf).
2. British Virgin Islands. *The Virgin Islands Constitution Order 2007*, enacted June 15, 2007. <http://www.businessbvi.com/articles/the-virgin-islands-constitution-order-2007/>.
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4. UN Committee on the Rights of the Child. *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial reports of States parties due in 1996 - Overseas dependent territories and crown dependencies of the United Kingdom of Great Britain and Northern Ireland*; 2000 February 22,.
5. 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>.
6. U.S. Embassy- London official. E-mail communication to official U. April 1, 2011.

NON-INDEPENDENT COUNTRIES AND TERRITORIES – LAWS AND RATIFICATIONS

		Anguilla	British Virgin Islands	Christmas Island	Cocos (Keeling) Islands	Cook Islands	Falkland Islands	Gibraltar	Montserrat
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	X	N/A	N/A	X	X	N/A	X
	CRC Optional Protocol on Armed Conflict	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	Palermo Protocol on Trafficking in Persons	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	Minimum Age for Work	14	16	15	15	None	16	16	14
	Minimum Age for Hazardous Work	None	18	None	None	None	18	16	15
	Compulsory Education Age	17	16	17	17	15	16	15	16
	Free Public Education	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes