

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure that laws against commercial sexual exploitation protect all children regardless of gender.	2009, 2010, 2011
	Enact legislation that prohibits trafficking in persons.	2011
	Clarify whether laws exist regarding the use of children for drug trafficking or other illicit activities.	2011

## REFERENCES

1. U.S. Embassy- London. *reporting, January 16, 2009.*
2. Government of Gibraltar. *Working Time Act*, enacted 1999.
3. Government of the United Kingdom. *Employment of Women, Children and Young Persons Act*, enacted 1920.
4. Government of Gibraltar. *The Gibraltar Constitution Order 2006*, enacted December 14, 2006. [http://www.gibraltarlaws.gov.gi/constitution/Gibraltar\\_Constitution\\_Order\\_2006.pdf](http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf).
5. Government of Gibraltar. *Criminal Offences Act*, enacted September 1, 1960. [http://www.gibraltarlaws.gov.gi/full\\_index.php](http://www.gibraltarlaws.gov.gi/full_index.php).
6. Government of Gibraltar. *Crimes (Indecent Photographs with Children) Act 2009*, enacted October 29, 2009. <http://www.gibraltarlaws.gov.gi/articles/2009-40o.pdf>.
7. Government of Gibraltar. *Crimes Act 2011*, enacted 2011. <http://www.gibraltarlaws.gov.gi/articles/2011-23o.pdf>.
8. UN Economic and Social Council. *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*. New York, United Nations; February 14, 2008. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.
9. U.S Embassy- London. E-mail communication to USDOL official. June 6, 2012.

## Montserrat

*In 2011, Montserrat made no advancement in efforts to eliminate the worst forms of child labor. Although limited, there is evidence that some children in Montserrat are involved in commercial sexual exploitation. While the Government participates in the Safeguarding Children in the Overseas Territories (SCOT) Program, no institutional mechanisms to coordinate efforts have been created to combat commercial sexual exploitation, and the laws do not protect boys from prostitution. In addition, the Employment Act does not protect children ages 15 to 18 from performing dangerous work. The Government did not collect information regarding the prevalence and nature of commercial sexual exploitation.*

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

There are reports that some children in Montserrat are engaged in commercial sexual exploitation in exchange for money and material goods.(1) Information about the nature and prevalence of the problem remains limited.

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

The minimum age for employment under the Montserrat Employment Act is 14. Children younger than age 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.(2) The minimum age of 15 for dangerous work is under the international standard of age 18 for such types of work set forth in ILO Convention 182. Research found no evidence of a comprehensive list prohibiting children from hazardous work.

The Montserrat Penal Code prohibits the prostitution of girls.(3) The prostitution of boys is not specifically prohibited under the law. Pornography is also illegal.(3)

The Constitution of Montserrat prohibits slavery and forced labor.(4) Abduction and kidnapping are punishable under the Penal Code, and these Code provisions may be used to prosecute traffickers.(3) No information was found on whether laws exist regarding the use of children for drug trafficking or other illicit activities.

The Education Act of 2004 makes education compulsory to age 16. The Government provides free education from nursery through secondary school.(5, 6)

## Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Montserrat has established a coordination mechanism to address the commercial sexual exploitation of children. The

Royal Montserrat Police Service has primary responsibility for enforcing laws involving children. The Department of Social Services employs the social workers who work on child protection issues.(7)

### Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies addressing the commercial sexual exploitation of children in Montserrat.

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

The Government of Montserrat participates in the SCOT Program, which is sponsored by the United Kingdom's

Department for International Development. 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.(8) 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 Montserrat:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Raise the minimum age for all types of dangerous work to 18 and establish a list prohibiting hazardous work for children.	2011
	Ensure that laws against commercial sexual exploitation protect all children, regardless of gender.	2009, 2011
	Clarify whether laws exist regarding the use of children for drug trafficking or other illicit activities.	2011
Coordination and Enforcement	Develop coordination and enforcement mechanisms to address the commercial sexual exploitation of children.	2010, 2011
Policies	Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to establish policies to address the problem.	2009, 2010, 2011
Social Programs	Assess the impact the SCOT Program may have on addressing child labor, particularly commercial sexual exploitation.	2010, 2011
	Implement programs to address the worst forms of child labor, specifically targeting commercial sexual exploitation.	2011

#### REFERENCES

- Jones, AD, ET Jemmott. *Child Sexual Abuse in the Eastern Caribbean: The report of a study carried out across the eastern Caribbean during the period October 2008 to June 2009* UNICEF Office for Barbados and the Eastern Caribbean, University of Huddersfield, and Action for Children; 2009. [http://www.unicef.org/infobycountry/files/Child\\_Sexual\\_Abuse\\_in\\_the\\_Eastern\\_Caribbean\\_Final\\_9\\_Nov.pdf](http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf).
- Government of Montserrat. *Employment Act*, enacted January 1, 2002. [http://labour.gov.ms/publications/Employment\\_Act.pdf](http://labour.gov.ms/publications/Employment_Act.pdf).
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- 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*; February 22, 2000.
- 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/).
- U.S. Embassy- London official. E-mail communication to USDOL official. March 30, 2012.
- U.S. Embassy- London. *reporting, January 19, 2012*.

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