

Non-Independent Countries and Territories

There is limited information regarding the prevalence and distribution of the worst forms of child labor in non-independent countries and territories eligible for GSP, AGOA and CBTPA benefits.⁶³⁶⁶ Statistics on child work and school attendance are 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.⁶³⁶⁷ Territories are generally subject to the laws of the sovereign country.

⁶³⁶⁶ U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, (2010); available from <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.

⁶³⁶⁷ 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. ILO, *Constitution of the International Labour Organization*, (April 20, 1948), article 35; available from <http://www.ilo.org/ilolex/english/constq.htm>. See also ILO official, E-mail communication to USDOL official, January 31, 2002. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.

Anguilla

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.⁶³⁶⁸ These transactions often occur with the knowledge, consent and sometimes initiation of the child's parent.⁶³⁶⁹ 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 to 16 years) from employment during the school year and children younger than age 14 from employment at all times.⁶³⁷⁰ The Employment of Children (Restriction) Act limits children younger than age 12 from working in any capacity, including light work. Under the Restriction Act, children younger than age 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.⁶³⁷¹ In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.⁶³⁷² It is unclear whether or not the Education Act supersedes the Employment of Children (Restriction) Act. The Employment of Women, Young Persons and Children Act prohibits all children younger than age 17 from working in industrial undertakings or at night.⁶³⁷³ The Governor of the Territory has the authority to expand restrictions on child labor.⁶³⁷⁴

The Anguilla Constitution prohibits slavery and forced labor.⁶³⁷⁵ The law prohibits the prostitution and abduction of children.⁶³⁷⁶ Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.⁶³⁷⁷

The Education Act makes education compulsory to age 16.⁶³⁷⁸ The law also guarantees free education through age 17.⁶³⁷⁹

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Anguilla has established a coordinating mechanism to combat the worst forms of child labor. However, with support from the British Government, Anguilla has formed a multiagency Child Protection Steering Committee. The committee, which is chaired by the Department of Social Development, includes members of local NGOs, the Department of Probation, the Judiciary, the Education Department, the Health Authority, the Department of Youth and Culture, the Royal Anguilla Police Force and the Attorney General's Chambers.⁶³⁸⁰ Since its formation, the Steering Committee has spearheaded the drafting of Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought consultation from practitioners in the field of child protection.⁶³⁸¹

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 prosecute, conduct or defend any information, complaint or other proceeding arising under the act.⁶³⁸²

Research did not reveal information on the agencies responsible for enforcing laws against the worst forms of child labor, particularly

commercial sexual exploitation, or on any enforcement actions taken during the reporting period.

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 child protection protocols and the development of necessary legislative and institutional frameworks to address issues impacting children and their families.⁶³⁸³ However, research found no evidence that the Government has established policies to explicitly address child labor. The question of whether the Child Protection National Action Plan has an impact on child labor, particularly commercial sexual exploitation, 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), a program sponsored by the United Kingdom's Department for International Development.⁶³⁸⁴ Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety. In Anguilla, SCOT has helped the Government develop child protection protocols, which include partnership with civil society organizations.⁶³⁸⁵ The question of whether SCOT has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

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

IN THE AREA OF 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.
- Raise the minimum age for military recruitment to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor, commercial sexual exploitation in particular.
- Identify agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation.
- Collect, analyze and disseminate information regarding the enforcement of relevant laws to protect children from commercial sexual exploitation.

IN THE AREA OF 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.
- Assess the impact the Child Protection National Action Plan may have on addressing child labor, particularly commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Assess the impact SCOT may have on addressing child labor, particularly commercial sexual exploitation.

⁶³⁶⁸ Adele D. Jones and Ena Trotman 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, 115-116, 121-122, 126; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁶³⁶⁹ *Ibid.*, 115-116, 124.

⁶³⁷⁰ 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, 166; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁶³⁷¹ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

⁶³⁷² *Ibid.*

⁶³⁷³ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

⁶³⁷⁴ Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

⁶³⁷⁵ Government of Anguilla, *The Anguilla Constitution Order 1982*, (April 1, 1982), sections 4, 5; available from <http://www.gov.ai/images/Anguilla%20Const.pdf>.

⁶³⁷⁶ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 170, 171.

⁶³⁷⁷ Coalition to Stop the Use of Child Soldiers, "United Kingdom," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/united-kingdom>. See also Central Intelligence Agency, "Anguilla," in *The World Factbook*, Washington, DC, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁶³⁷⁸ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*. See also Government of the United Kingdom of Great Britain and Northern Ireland, *Education Act 1996*, (July 24, 1996); available from <http://www.legislation.gov.uk/ukpga/1996/56/contents>.

⁶³⁷⁹ UNESCO, *Education for All Global Monitoring Report: Reaching the Marginalized*, 2010; available from www.unesco.org/new/en/education/themes/leading-