

Although research found no evidence that child labor exists in Montserrat, in 2020 the government made no advancement in efforts to prevent the worst forms of child labor. The government has not determined by national law or regulation the types of hazardous work prohibited for children. In addition, the law does not prohibit the recruitment of children by non-state armed groups or the use of children in illicit activities.

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Montserrat. (1,2) Table I provides one key indicator on children's education in Montserrat. Data on key indicators on children's work are not available from the sources used in this report.

**Table I. Statistics on Children's Work and Education**







Children	Age	Percent
Primary Completion Rate (%)		96.8

Source for primary completion rate: Data from 2019 published by UNESCO Institute for Statistics, 2021. (3)  
All other data were unavailable from International Labor Organization's analysis, 2021. (4)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories (BOTs) recognize the jurisdiction and sovereignty of the United Kingdom (UK), but they are constitutionally not part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (5) Domestic UK law does not generally apply unless explicitly extended to Montserrat. (5) Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. If the Convention is accepted, it is considered applicable to that territory. (5) No key international conventions concerning child labor have been accepted by Montserrat (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 Montserrat has established laws and regulations related to child labor (Table 3). However, gaps exist in Montserrat's legal framework to adequately protect children from the worst forms of child labor, including the lack of criminal penalties for the use of children in illicit activities.

**Table 3. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	16	Part 9 of the Labor Code (6)
Minimum Age for Hazardous Work	Yes	18	Parts 9–10 of the Labor Code (6)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Part 9 of the Labor Code (6)

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## NO ADVANCEMENT

**Table 3. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Part VIII-A, Sections 138A and 202D of the Penal Code; Schedule II, No. 55 of the Constitution Order (7,8)
Prohibition of Child Trafficking	Yes		Part VIII-A, Sections 138A–D, and Part XIV-A of the Penal Code (7)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part VIII-A, Sections 138A–B of the Penal Code (7)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 96(8) of the Labor Code (6)
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		Articles 3 and 96(8) of the Labor Code (6)
Compulsory Education Age	Yes	16	Chapter II, Part 3 of the Education Act (9)
Free Public Education	Yes		Chapter II, Part I of the Education Act (9)

\* No conscription (10)

Children under age 18 may not be employed at night or in occupations designated as hazardous. (6) The Labor Code allows children as young as 14 to engage in light work, but Montserrat does not have a list of activities which constitute light work, does not specify the conditions in which light work may be undertaken, or limit the number of hours for light work. (6) The Minister of Labor for Montserrat is responsible for deciding what constitutes hazardous work, but Montserrat has not determined by national law or regulation the types of hazardous work prohibited for children. (2,6) In addition, the law does not criminally prohibit the use of children in illicit activities, or the recruitment of children by non-state armed groups. (2,6,10)

### 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, including its worst forms. However, gaps exist within the framework of enforcement agencies that may hinder adequate enforcement of their child labor laws (Table 4).

**Table 4. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Department of Labor	Prohibits employment of children, pursuant to the Labor Code under the Labor Commissioner. (11)
Royal Montserrat Police Service	Enforces laws of Montserrat, including child labor laws. (12)
Department of Social Services	Employs social workers to work on child protection issues. (13)

Although there are laws prohibiting child labor, labor inspectors have no authority to conduct unannounced inspections or to assess penalties for child labor violations. When a report is made of any form of abuse involving a child victim, the Department of Social Services conducts an initial social inquiry to attempt to verify the allegation and then works with police to coordinate a response. (2)

#### **Labor Law Enforcement**

Within the Montserrat Department of Labor, the Labor Officer and Labor Inspector are government employees responsible for conducting labor inspections in accordance with the Labor Code. Labor inspectors have no authority to assess penalties for child labor violations and unannounced inspections are not permitted. (2)

### 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.

### 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 Montserrat (Table 5).

**Table 5. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify international conventions on child labor.	2020
	Ensure that the law specifies the types of light work acceptable for children as young as 14 as well as permitted working conditions and hours.	2020
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2017 – 2020
	Establish laws to prohibit the use of children in illicit activities.	2020
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2020
Enforcement	Ensure that the labor inspectorate can assess penalties for child labor and that unannounced inspections are permitted.	2019 – 2020
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2019 – 2020

### REFERENCES

- 1 U.S. Embassy- London. Reporting. January 15, 2021.
- 2 U.S. Embassy- London. Reporting. January 14, 2020.
- 3 UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary. Accessed March 3, 2021. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report. <http://data.uis.unesco.org/>
- 4 ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received March 2021. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- 5 U.S. Embassy- London. Reporting. January 24, 2017.
- 6 Government of Montserrat. Labor Code. Enacted: December 27, 2012. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100191/120080/F148320011/GBR100186.pdf>
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