

Although research found no evidence that child labor exists in the British Virgin Islands, in 2021, the government made no advancement in efforts to prevent the worst forms of child labor. There is no list of hazardous work prohibited for children in the British Virgin Islands, nor does the law prohibit the use of children in illicit activities, including in the production and trafficking of drugs. In addition, the minimum age for work is lower than the compulsory education age.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the British Virgin Islands. (1) Table 1 provides one key indicator on children's education in the British Virgin Islands. (2)

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Primary Completion Rate (%)		98.1







Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2022. (2)

The cost of uniforms, books, and lunches prevents some children from attending school. In addition, violence in schools can deter children from attending. (2,3) Children not in school may be vulnerable to engage in child labor.

II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories recognize the jurisdiction and sovereignty of the United Kingdom (UK) but are not constitutionally part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (4) Domestic UK law does not generally apply unless explicitly extended to the British Virgin Islands. 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. (4) The following Convention has been extended to and accepted by the British Virgin Islands (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 the British Virgin Islands has established laws and regulations related to child labor (Table 3). However, gaps exist in the British Virgin Islands' legal framework to adequately protect children from the worst forms of child labor, including failure to criminalize 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	Articles 3 and 128 of the Labor Code (5)
Minimum Age for Hazardous Work	Yes	18	Articles 3 and 130 of the Labor Code (5)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 130 and 146 of the Labor Code (5)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Article 130 of the Labor Code; Article 14 of the Constitution Order; Section 201A of the Criminal Code (5-7)
Prohibition of Child Trafficking	Yes		Section 201A of the Criminal Code (7)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 127, 201A and 284A of the Criminal Code; Article 130 of the Labor Code (5,7)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 130 of the Criminal Code (7)
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		
Compulsory Education Age	Yes	17	Section 2b of the Education Amendment Act of 2014; Division 3, Paragraph 28 of the Education Act (8,9)
Free Public Education	Yes		Article 22 of the Constitution Order; Section 17 of the Education Act (6,8)

* Country has no conscription (10)

† Country has no standing military (10)

In the British Virgin Islands, the Labor Code specifies that hazardous work be defined by the Minister of Labor, but the Minister of Labor has not defined hazardous work for children or light work that may be engaged in by children who are at least 14. (4,11) There is also no criminal prohibition against using children in illicit activities, including in the production and trafficking of drugs. Additionally, the laws prohibiting the commercial sexual exploitation of children do not meet international standards as they do not cover girls ages 16-17 or boys. (7) The minimum age for work is lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. (5,8,9)

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, the British Virgin Islands have established an institutional mechanism for the enforcement of laws and regulations on child labor (Table 4).

Table 4. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor	Enforce labor laws and collects data and statistics on violations of the Labor Code. (5)

In the British Virgin Islands, the Ministry of Labor proactively plans and conducts labor inspections. There is one labor inspector who assesses penalties for labor law violations. (11,12) The labor inspector may assess penalties for labor law violations during the initial inspection and is permitted to conduct unannounced inspections. The existence of only one labor inspector is a barrier to uncovering additional violations; however, the British Virgin Islands make the most use of their single labor inspector by conducting annual inspections on newly established businesses and worksites and those reported by employees or other stakeholders for possible violations. (11)

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. However, the Government of the British Virgin Islands has established child protection programs promoting children's rights, which may contribute to the prevention of child labor. (13)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in the British Virgin Islands (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 – 2021
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2012 – 2021
	Ensure that the commercial sexual exploitation of girls ages 16-17 and boys is criminally prohibited.	2021
	Ensure that the use of children in illicit activities, including in the production and trafficking of drugs, is criminally prohibited.	2015 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
	Raise the minimum age for work to the age up to which education is compulsory.	2018 – 2021
Social Programs	Ensure that all children can attend school by eliminating prohibitive school costs and violence in schools.	2018 – 2021

REFERENCES

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