

Although research found no evidence that child labor exists in the British Virgin Islands, in 2022, 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 criminalize the use of children in illicit activities, including in the production and trafficking of drugs. In addition, the minimum age for work of 16 years old is lower than the compulsory education age of 17 years old.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Table 1 provides one key indicator on children's education in the British Virgin Islands. (1)

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Primary Completion Rate (%)		114.5







Source for primary completion rate: Data from 2021, published by UNESCO Institute for Statistics, 2023. (1)
Data were unavailable from International Labor Organization's analysis, 2023. (2)

The Ministry of Education has employed truancy officers to ensure that children continue to attend school until the age of 17. (3) While education in the British Virgin Islands is free, the cost of uniforms, books, and lunches prevents some children from attending school. In addition, violence in schools can deter children from attending. (1,4) 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 UK but are not constitutionally 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 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. (5,6) 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 a 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 (7)
Minimum Age for Hazardous Work	Yes	18	Articles 3 and 130 of the Labor Code (7)

British Virgin Islands

NO ADVANCEMENT

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

Standard	Meets International Standards	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 130 and 146 of the Labor Code (7)
Prohibition of Forced Labor	Yes		Article 130 of the Labor Code; Article 14 of the Constitution Order; Section 201A of the Criminal Code (7-9)
Prohibition of Child Trafficking	Yes		Section 201A of the Criminal Code (9)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 127, 201A, and 284A of the Criminal Code; Article 130 of the Labor Code (7,9)
Prohibition of Using Children in Illicit Activities	No		Articles 3 and 130 of the Criminal Code (9)
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; Part 2, Division 3, Section 28(1) of the Education Act (10,11)
Free Public Education	Yes		Article 22 of the Constitution Order; Section 17 of the Education Act (8,10)

* Country has no conscription (5)

† Country has no standing military (12)

In the British Virgin Islands, there is no criminal prohibition against using children in illicit activities, including in the production and trafficking of drugs. In addition, the laws prohibiting the commercial sexual exploitation of children do not meet international standards by not covering girls ages 16–17 or boys. (9) 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, including seafaring, or light work that may be engaged in by children who are at least age 14. (7,13) 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. (10,11)

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 & Activities
Ministry of Labor	Enforces labor laws and collects data and statistics on violations of the Labor Code and plans and conducts labor inspections. (7,14,15)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for a mechanism 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.

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

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 ILO Convention 182 on the Worst Forms of Child Labor.	2020 – 2022
	Ratify the UN CRC Optional Protocol on Armed Conflict.	2020 – 2022
	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.	2020 – 2022
	Ratify the Palermo Protocol on Trafficking in Persons.	2020 – 2022
	Increase the minimum age of work from age 16 to age 17 to align with the compulsory education age.	2018 – 2022
	Determine by national law or regulation the types of hazardous work prohibited for children, after consultation with employers' and workers' organizations.	2012 – 2022
	Ensure that the law criminally prohibits the commercial sexual exploitation of girls ages 16–17 and boys.	2021 – 2022
	Ensure that the law criminally prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2015 – 2022
Social Programs	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2022
	Enhance efforts to eliminate barriers and make education accessible for all children by eliminating prohibitive school costs and violence in schools.	2018 – 2022

REFERENCES

- UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 15, 2023. 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/>
- ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received March 2023. Please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- ILO Committee of Experts. Direct Request (CEACR) - Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) - British Virgin Islands Published: 2023. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4325718,103651
- U.S. Embassy- London. Reporting. February 6, 2019.
- U.S. Embassy- London official. E-mail communication to USDOL official. March 15, 2023.
- ILO. Article 35: Application of Conventions to non-metropolitan territories. Accessed March 14, 2023. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:KEY,en,ILOC,/Document/Chapters/Chapter/Article\[@Number=35\]](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:KEY,en,ILOC,/Document/Chapters/Chapter/Article[@Number=35])
- Government of the British Virgin Islands. Virgin Islands Labour Code, 2010. Enacted: 2010. <http://bviaco.org/Portals/0/xBlog/uploads/2016/3/24/Labour Code 2010.pdf>
- Government of the British Virgin Islands. The Virgin Islands Constitution Order 2007. Enacted: June 15, 2007. <https://bvi.gov.vg/content/virgin-islands-constitution-order-2007>
- Government of the British Virgin Islands. Criminal Code (Amendment) Act, 2007, 3. Enacted: February 8, 2007. Source on file.
- Government of the British Virgin Islands. Virgin Islands Education Act. Enacted: August 5, 2004. <http://www.bvi.gov.vg/sites/default/files/resources/Education Act, 2004.pdf>
- Government of the British Virgin Islands. Education (Amendment) Act. Enacted: June 14, 2014. [http://www.bvi.gov.vg/sites/default/files/resources/Virgin Islands Education \(Amendment\) Act, 2014_0.pdf](http://www.bvi.gov.vg/sites/default/files/resources/Virgin Islands Education (Amendment) Act, 2014_0.pdf)
- CIA. The World Factbook: British Virgin Islands. Accessed March 14, 2023. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. <https://www.cia.gov/the-world-factbook/countries/british-virgin-islands/>
- ILO Committee of Experts. Direct request on the application of the Maritime Labour Convention, 2006 (MLC, 2006)- British Virgin Islands. Published 2023. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4314966,103651
- U.S. Embassy- London official. E-mail communication to USDOL official. June 17, 2020.
- U.S. Embassy- London. Reporting. January 14, 2020.