



BRITISH VIRGIN ISLANDS

NO ADVANCEMENT

Although research found no evidence that child labor exists in the British Virgin Islands, in 2023, the government made no advancement in efforts to prevent the worst forms of child labor. In addition, there is no list of hazardous work prohibited for children, nor does the law criminalize the use of children in illicit activities, including in the production and trafficking of drugs. Further, as the minimum age for work of 16 years old is lower than the compulsory education age of 17 years old, children may be encouraged to leave school before the completion of compulsory education.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the British Virgin Islands.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in the British Virgin Islands' implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ratify ILO Convention 182 on the Worst Forms of Child Labor.

Ratify the UN CRC Optional Protocol on Armed Conflict.

Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.

Ratify the Palermo Protocol on Trafficking in Persons.

Raise the minimum age of work from age 16 to age 17 to align with the compulsory education age.

Determine by national law or regulation the types of hazardous work prohibited for children, after consultation with employers' and workers' organizations.

Criminally prohibit the use of girls ages 16–17 and boys for prostitution.

Criminally prohibit the use of children in illicit activities, including in the production and trafficking of drugs.

Criminally prohibit the recruitment of children under age 18 by non-state armed groups.

Ensure that tuition and other school fees are not imposed that would hinder free public education.

Social Programs

Enhance efforts to eliminate barriers and make education accessible for all children by eliminating prohibitive school costs and violence in schools.



BARRIERS TO EDUCATION ACCESS











The Ministry of Education has employed truancy officers to ensure that children continue to attend school until the age of 17. 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. Children not in school may be vulnerable to engage in child labor.



LEGAL FRAMEWORK FOR CHILD LABOR

Each United Kingdom (UK) overseas territory has its own constitution, which sets out its system of government and its relationship with the UK, and provides for a governor or commissioner, an elected legislature, and ministers that are responsible for domestic affairs, such as internal security (police), immigration, education, and healthcare. They are self-governing, except in the areas of foreign affairs and defense. 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. While the UN Convention on the Rights of the Child (CRC) has been extended to and accepted by the British Virgin Islands, it has not ratified other key international conventions concerning child labor, including ILO C. 182, ILO C. 138, UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and Palermo Protocol on Trafficking in Persons. In addition, prohibitions related to the use of children in illicit activities, commercial sexual exploitation of children, and military recruitment by non-state armed groups are not sufficient to meet international standards.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 16 Years		Articles 3 and 128 of the Labor Code
Minimum Age for Hazardous Work, 18 Years		Articles 3 and 130 of the Labor Code
Identification of Hazardous Occupations or Activities Prohibited for Children		Articles 130 and 146 of the Labor Code
Prohibition of Slavery, Debt Bondage, and Forced Labor		Articles 3 and 130 of the Labor Code; Article 14 of the Constitution Order; Section 201A of the Criminal Code
Prohibition of Child Trafficking		Section 201A of the Criminal Code
Prohibition of Commercial Sexual Exploitation of Children		Sections 127, 201A, and 284A of the Criminal Code; Articles 3 and 130 of the Labor Code
Prohibition of Using Children in Illicit Activities		Articles 3 and 130 of the Labor Code
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		
Compulsory Education Age, 17 Years		Section 2b of the Education Amendment Act of 2014; Part 2, Division 3, Section 28(1) of the Education Act
Free Public Education		Article 22 of the Constitution Order; Section 17 of the Education Act

* Country has no conscription

† Country has no standing military

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 for use of a child in prostitution. 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. Furthermore, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. Additionally, free public education is not available up until the compulsory education age and public schools may charge tuition fees.



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.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Labor: Enforces labor laws and collects data and statistics on violations of the Labor Code and plans and conducts labor inspections.



COORDINATION, POLICIES, AND PROGRAMS

As there is no evidence of a child labor problem, there appears to be no need for policies, programs, or a mechanism to coordinate efforts to address child labor.

*For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
For references, please visit dol.gov/ChildLaborReports*