

In 2013, Montserrat made no advancement in efforts to prevent the worst forms of child labor. Although there is no evidence of a child labor problem in Montserrat, critical gaps exist in the legal framework to prevent children being involved in the worst forms of child labor. Although the Montserrat Labor Code protects children from performing hazardous work, it is unclear whether the Government has established a comprehensive list of hazardous activities. It also is unclear whether the law prohibits the use of children in illicit activities such as drug trafficking, begging, and theft or burglary. These gaps leave children vulnerable to the worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




Research found no evidence that child labor exists in Montserrat.(1-3)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

British Overseas Territories (OTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they do not form part of the UK. They are self-governing, except in the areas of foreign affairs and defense. Domestic UK Law does not generally apply to OTs, unless explicitly extended.

The following convention has been extended to Montserrat (Table 1).

Table 1. 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 has established relevant laws and regulations related to child labor, including its worst forms (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Montserrat Labor Code (4)
Minimum Age for Hazardous Work	Yes	18	Montserrat Labor Code (4)
List of Hazardous Occupations Prohibited for Children	No		Montserrat Labor Code (4)
Prohibition of Forced Labor	Yes		Constitution of Montserrat (4, 5)
Prohibition of Child Trafficking	Yes		Montserrat Penal Code (4, 6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Montserrat Penal Code (6)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		UK Armed Forces Act 2006 (7)
Minimum Age for Voluntary Military Service	Combat: No	18	UK Armed Forces Act 2006 (7)
	Non-Combat: Yes	16	
Compulsory Education Age	Yes	16	Education Act of 2004 (8)
Free Public Education	Yes		Education Act of 2004 (8)

* No conscription or no standing military.

While the Montserrat Labor Code prohibits the employment of children under 16, it includes an exception allowing the employment of children older than 14 in light work. In addition, children under the age of 18 may not be employed at night or in occupations designated as hazardous.(4) The Minister of Labor for Montserrat is entrusted with the responsibility of deciding what constitutes light work and what constitutes hazardous work, but research found no comprehensive list of hazardous work for all children up to age 18.(4) In addition, research did not find any law or regulation prohibiting the use of children in illicit activities.

The UK Government has introduced systems to track ages and locations of individual soldiers, with the aim of preventing under-18s from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached 18 years is permitted when there is a genuine need and the situation is urgent.(3, 7, 9, 10)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

Even though there is no evidence of a problem, the Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Royal Montserrat Police Service	Enforce laws involving children.(11)
Department of Social Services	Employ social workers to work on child protection issues.(11)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for coordinating mechanisms to address child labor, including its worst forms, in Montserrat.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor, including its worst forms, in Montserrat.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for social programs to address child labor, including its worst forms, in Montserrat.

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor, including its worst forms, in Montserrat (Table 4).

Table 4. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Establish a list of hazardous work for which children under 18 may not be employed.	2011 – 2013
	Clarify whether laws exist regarding the use of children for drug trafficking or other illicit activities.	2011 – 2013

REFERENCES

1. U.S. Embassy- London. *reporting, January 19, 2012.*
2. U.S. Embassy- London. *reporting, January 31, 2013.*
3. U.S. Embassy Official. E-mail May 9th, 2014.
4. International Labor Organisation. *Fundamental principles and rights at work: From commitment to action*; 2012. http://www.ilo.org/washington/resources/selected-ilo-publications/WCMS_176149/lang-en/index.htm [source on file]
5. Government of Montserrat. *The Montserrat Constitution Order 1989*, enacted January 8, 1990. <http://www.legislation.gov.uk/ukSI/1989/2401/contents/made>.
6. Montserrat, Go. *Montserrat wants removal from UN Decolonisation list*, [Government web page] [cited <http://www.gov.ms/2012/05/31/montserrat-wants-removal-from-un-decolonisation-list/>] [source on file].
7. Government of Montserrat. *Labor Code*. 2012. <http://www.gov.ms/wp-content/uploads/2012/06/Labour-Code-2012.pdf> [source on file]
8. United Kingdom. *UK Army Act 1955* (amended 2006). [source on file].
9. Child Soldiers International. "Appendix II: Data Summary on Recruitment Ages of National Armies," in *Louder than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; http://www.child-soldiers.org/global_report_reader.php?id=562
10. Owen, J. "One in Six Recruits to Army is Aged 16." *The Independent*, London, May 29, 2011; Home News. <http://www.independent.co.uk/news/uk/home-news/one-in-six-recruits-to-army-is-aged-16-2290403.html>
11. U.S. Embassy- London official. E-mail communication to USDOL official. March 30, 2012.