

In 2014, Montserrat made no advancement in efforts to prevent the worst forms of child labor. Although no information suggest that the worst forms of child labor are a problem, gaps exist in the legal framework to prevent children from being involved in the worst forms of child labor. And 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 in legislation 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, including its worst forms, exists in Montserrat.(1-4)

II. LEGAL FRAMEWORK FOR 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.(2, 5, 6)

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 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	Part 9 of the Montserrat Labor Code 2012 (7)
Minimum Age for Hazardous Work	Yes	18	Parts 9 and 10 of the Montserrat Labor Code (7)
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Schedule II, No. 55 of the Constitution of Montserrat, and Part 138A of the Montserrat Penal Code (7, 8)
Prohibition of Child Trafficking	Yes		Part XIV of the Montserrat Penal Code 2010 (8)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Parts VIII-A and XIV-A of the Montserrat Penal Code 2010 (8)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat: No Non-Combat: Yes	18 16	Part 14, Section 328 in the UK Armed Forces Act 2006 (9-11)
Compulsory Education Age	Yes	16	Chapter II, Part 3 in the Montserrat Education Act of 2008 (12)
Free Public Education	Yes		Chapter II, Part 1 in the Montserrat Education Act of 2008 (12)

* No conscription (9, 13, 14)

While the Montserrat Labor Code prohibits the employment of children under age 16, it includes an exception allowing the employment of children older than age 14 in light work. In addition, children under age 18 may not be employed at night or in occupations designated as hazardous.(7){International Labor Organisation, 2012 #17;, #2} 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.(6) 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 the ages and locations of individual soldiers, with the aim of preventing children under age 18 from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached age 18 is permitted when there is a genuine need and the situation is urgent.(3, 7, 10, 13)

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

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.(15)
Department of Social Services	Employ social workers to work on child protection issues.(15)

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 mechanisms to coordinate to address child labor, including its worst forms.

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.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

The Government of Montserrat participated in programs that may include the goal of preventing child labor, including its worst forms (Table 4).

Table 4. Social Programs to Address Child Labor

Program	Description
UNICEF Program On Children’s Rights, Policies, and Education, “Multi-country 2012–2016”*	UNICEF program to address children’s rights in the Eastern Caribbean. Ensures the Government complies with convention reporting requirements on children’s rights, and assists the Government with developing policies and laws to protect all children, especially vulnerable children.(16) Also includes preschool and other educational opportunities for vulnerable children.(16)

* As there is no evidence of a child labor problem, the impact of this program on child labor does not appear to have been studied.

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

Based on the reporting above, the following actions would advance the continued prevention of child labor, including its worst forms, in Montserrat. (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a list of hazardous work and activities for which children under age 18 may not be employed.	2011 – 2014
	Establish laws regarding the use of children for drug trafficking or other illicit activities.	2011 – 2014

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