

Jamaica

The Government of Jamaica has passed laws and participated in the implementation of social programs to combat the worst forms of child labor. However, the legal framework to address these issues is incomplete and does not adequately protect children from hazardous labor. Children continue to be involved in the worst forms of child labor, particularly as victims of trafficking for commercial sexual exploitation and domestic service.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4%
Attending School	5-14 yrs.	98.6%
Combining Work and School	7-14 yrs.	9.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jamaica can be found in the worst forms of child labor,²⁵²⁹ particularly as victims of trafficking for commercial sexual exploitation as well as domestic service.²⁵³⁰ Some children are trafficked internally from rural to urban and tourist areas for the purpose of prostitution.²⁵³¹ In other instances, young rural girls enticed with promises of an education, clothes, and money end up working as domestic servants under conditions of forced labor.²⁵³²

Street children are especially vulnerable to being trafficked.²⁵³³ Street boys, in particular, are lured and transported to various locations to sell drugs or become gun or drug couriers, and are often sexually exploited.²⁵³⁴

In rural areas, children are engaged in agriculture, which may involve activities such as using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Child Care and Protection Act of 2004 establishes the minimum age for employment in Jamaica at 15.²⁵³⁵

The Act states that a child under the age of 18 should not be employed in the performance of any work that is likely to be hazardous, interfere with a child's education, or that may be harmful to the child's health or physical, mental, spiritual, or social development.²⁵³⁶

The Child Care and Protection Act, the Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act, and the Dock's (Safety Health and Welfare) Regulations of 1968 include specific provisions prohibiting the employment of children in certain types of hazardous work.²⁵³⁷

The Ministry of Labor also maintains a draft list of occupations prohibited to children, which includes fishing at sea, working with insecticides, operating heavy-duty equipment, or participating in the production of pornography; however, the list has not been codified as law.²⁵³⁸ The Jamaican Parliament plans to debate the new Occupational Safety and Health Act, which would codify the Labor Ministry's list of prohibited work and raise the penalty for violating the law to a maximum of \$11,000.²⁵³⁹ If enacted, this law would provide inspectors with access into workplace areas that are currently prohibited as well as facilitate more inspections in the informal sector.²⁵⁴⁰

In Jamaica there is no law that specifically prohibits forced or slave labor.²⁵⁴¹ However, there are laws

prohibiting all forms of trafficking. The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007, for example, prohibits all forms of trafficking and allows for restitution to the victims.²⁵⁴² The Child Care and Protection Act states that no person shall sell or participate in the trafficking of minors.²⁵⁴³

The Dangerous Drugs Act of 1942, amended in 1994 prohibits importing, exporting, cultivating, manufacturing, selling, using, dealing, transporting, and possessing different types of drugs.²⁵⁴⁴ The Child Care and Protection Act also prohibits the employment of children in the selling of alcohol or tobacco products.²⁵⁴⁵ Although both the Dangerous Drug Act and the Child Care and Protection Act afford children some protection, they do not prohibit the use of children for the production and trafficking of drugs.²⁵⁴⁶

In Jamaica, volunteers for the Defense Force have to be at least age 18²⁵⁴⁷ and although someone under 18 could enlist with parental consent, he/she could not graduate from training until reaching the age of 18.²⁵⁴⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government established the National Steering Committee for the Protection of Children in conjunction with ILO-IPEC in 2002.²⁵⁴⁹ The

committee serves as the central point for policy development and guidance as well as periodic review and evaluation.²⁵⁵⁰ The committee, which did not meet on a regular basis, has now reconvened under a new child labor project.²⁵⁵¹

In order to address trafficking in persons, the Government established a National Taskforce Against Trafficking in Persons under the auspices of the Ministry of National Security in 2005.²⁵⁵² The task force’s responsibility is to facilitate the exchange of information among the various agencies and actors as well as create momentum for counter trafficking efforts.²⁵⁵³

The Ministry of Labor and Social Security (MLSS) is the Government entity with the authority to enforce child labor laws.²⁵⁵⁴ The Child Labor Unit (CLU) and the Office of Health and Safety (OHS) within the MLSS enforce and monitor child labor efforts and interventions such as policy development, and research among the agencies.²⁵⁵⁵ In 2009, \$630,000 was allocated to the MLSS for areas responsible for child labor inspections.²⁵⁵⁶

During the reporting period, the CLU coordinated activities to facilitate multiple agency responses among various agencies regarding enforcement.²⁵⁵⁷ The OHS increased the number of labor inspectors from 20 in 2008 to 30 inspectors the following year.²⁵⁵⁸ The OHS also increased the number of factory inspections from 559 in 2008 to 881 during the reporting period.²⁵⁵⁹ However, even with an increase in inspections, the inspectors did not find any incidents of child labor.²⁵⁶⁰

As part of its efforts to enforce the Trafficking Act, the Government trained 71 people from the Ministry of National Security, 15 from the Ministry of Foreign Affairs and Foreign Trade and 648 people from the Jamaican Constabulary Force in the identification of trafficking victims.²⁵⁶¹ Children identified as victims of trafficking are to be returned to families, referred to foster homes, or housed in Government operated facilities, some of which also serve as juvenile detention centers.²⁵⁶²

Although the Trafficking Act became effective in 2007, conviction rates remain low and comprehensive data on prosecutions or convictions of trafficking offenders are not available²⁵⁶³. Under the Trafficking Act, one successful prosecution and at least six ongoing

sex trafficking prosecutions were reported over the past year.²⁵⁶⁴ However, three other known cases of trafficking were prosecuted under different statutes.²⁵⁶⁵ The Department of Public Prosecution is working closely with the anti-trafficking police unit to identify cases that should be prosecuted under the trafficking laws.

Government Policies on the Worst Forms of Child Labor

In September 2009, the MLSS made an announcement that it plans to implement a National Plan of Action to address child labor in Jamaica.²⁵⁶⁶ The plan identifies child domestic workers, children in hazardous sectors including agriculture as well as children in prostitution and forced labor as target groups for priority action.²⁵⁶⁷ The plan's objective is to increase the knowledge base on child labor, raise public awareness, strengthen institutional capacity to combat child labor, and provide direct support and assistance to victims of child labor.²⁵⁶⁸ The MLSS's CLU was allocated \$196,000 to fund the National Plan.²⁵⁶⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in the implementation of programs to eliminate the worst forms of child labor. With donor funding, in 2001, the Government of Jamaica implemented a 2-year program to collect baseline information and to reduce and eliminate the worst forms of child labor in Jamaica.²⁵⁷⁰

In 2007, the Government of Jamaica and the International Organization on Migration (IOM) worked together on a \$140,002 project to counter trafficking in persons on a regional and national level.²⁵⁷¹ The program's approach emphasized raising awareness about trafficking through training of NGO and Government officials and dissemination of information as part of the effort to prevent trafficking, protect victims, and prosecute traffickers.²⁵⁷²

The Government is also participating in a 3-year \$1,000,000 project funded by the EU.²⁵⁷³ The Tackle Child Labor through Education (TACKLE) project aims to reduce poverty by providing access to basic education and skills training for children, and to strengthen the capacity of national and local authorities to combat child labor effectively.²⁵⁷⁴ As part of the TACKLE project, four action programs will be implemented in 2010 that focus on agriculture and urban areas where exploitive child labor is a major concern.²⁵⁷⁵ For example, in July 2010, the Government will be implementing a mentorship summer camp targeting approximately 300 inner city children to impart child labor messages with the hope to change behavior and reduce incidences of child labor in those communities.²⁵⁷⁶ Although the TACKLE project aims to provide access to basic education and skills training, as well as to strengthen the capacity of national and local authority to formulate, implement, and enforce policies to tackle child labor, it is unclear whether these projects are sustainable.²⁵⁷⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Jamaica:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact the *Occupational Safety and Health Act* in 2010 and include the codification of the list of hazardous occupations prohibited to children under age 18.
- Amend and enact laws to provide protection against forced or slave labor.
- Amend the laws to prohibit the use of children for the production and trafficking of drugs.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Convene the National Steering Committee for the Protection of Children on a regular basis, to guide efforts under the National Plan of Action.
- Increase Government capacity to collect data on the investigation, prosecution, and convictions of traffickers as well as data on victims of trafficking.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for commercial sexual exploitation by:

Increasing training for law enforcement employees and labor inspectors.

Dedicating sufficient resources to conduct investigations in response to complaints of child trafficking.

IN THE AREA OF POLICIES:

- Implement the National Plan of Action on the Elimination of Child Labor to strengthen institutional capacity to combat child labor, increase the knowledge base, raise public awareness, and provide direct support and assistance to victims of child labor.

IN THE AREA OF PROGRAMS:

- Coordinate with other international and local NGOs to ensure long term sustainability of effective projects to address the worst forms of child labor.

²⁵²⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁵³⁰ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Department of State, "Jamaica (Tier 2)," in *Trafficking in Persons Report - 2010* Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/>

[organization/142979.pdf](http://www.state.gov/documents/). See also U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, 9; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136118.htm>.

²⁵³¹ U.S. Department of State, "Trafficking in Persons Report - 2010 Jamaica."

²⁵³² IOM, *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*, June 2005, 89.

²⁵³³ *Ibid.*, 88.

²⁵³⁴ *Ibid.*

²⁵³⁵ Government of Jamaica, *Child Care and Protection Act of 2004*, (2004), Section 34; available from <http://www.moj.gov.jm/laws/statutes/The%20Child%20Care%20and%20Protection%20Act.pdf>. See also U.S. Embassy- Kingston, *reporting, February 19, 2010*.

²⁵³⁶ Government of Jamaica, *Child Care and Protection Act*, Section 2, 34.

- ²⁵³⁷ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Jamaica (ratification: 2003) submitted: 2006*, [on line] [cited January 5, 2010]; available from <http://www.ilo.org/ilolex/english/subjlst.htm>.
- ²⁵³⁸ U.S. Embassy- Kingston, *reporting*, January 23, 2009. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) Submitted: 2009*, [on line] [cited January 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23532&chapter=9&query=Jamaica%40ref&highlight=&querytype=bool&context=0>
- ²⁵³⁹ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁴⁰ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also U.S. Embassy-Kingston, *reporting*, February 19, 2010.
- ²⁵⁴¹ U.S. Department of State, “Country Reports- 2009: Jamaica.”
- ²⁵⁴² U.S. Department of State, “Jamaica (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Department of State, “Country Reports- 2009: Jamaica.”
- ²⁵⁴³ U.S. Department of State, “Country Reports- 2009: Jamaica.” See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also Government of Jamaica, *Child Care and Protection Act*, 17
- ²⁵⁴⁴ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵⁴⁵ Government of Jamaica, *Child Care and Protection Act*, 35. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵⁴⁶ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵⁴⁷ Coalition to Stop the Use of Child Soldiers, “Jamaica,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- ²⁵⁴⁸ Ibid.
- ²⁵⁴⁹ U.S. Department of State, “Jamaica,” in *Country Reports on Human Rights Practices - 2004*, Washington, DC, February 25, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27904.htm>.
- ²⁵⁵⁰ Jamaica Information Service, “Ministers Speeches: Sectoral Debate 2005 Presentation By Hon. Horace Dalley, Minister of Labour and Social Security on May 17, 2005,” (May 17, 2005); available from http://www.jis.gov.jm/minspeeches/html/20050517t160000-0500_5690_jis_sectoral_debate_2005_presentation_by_hon__horace_dalley__minister_of_labour_and_social_security_on_may_17__2005.asp.
- ²⁵⁵¹ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Embassy- Kingston official, E-mail communication to USDOL official, October 28, 2010.
- ²⁵⁵² Chemonics International Inc., *Anti-Trafficking Technical Assistance: Jamaica Anti-Trafficking Assessment: October 3-October 15, 2005*, produced for review by the United States Agency for International Development November 2, 2005, Page 6; available from http://pdf.usaid.gov/pdf_docs/Pnadf129.pdf.
- ²⁵⁵³ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also Chemonics International Inc., *Anti-Trafficking Technical Assistance 7*.
- ²⁵⁵⁴ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁵⁵ Ibid.
- ²⁵⁵⁶ Ibid.
- ²⁵⁵⁷ Ibid. See also U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁵⁸ U.S. Embassy- Kingston, *reporting*, January 23, 2009. See also U.S. Embassy- Kingston, *Reporting*, Feb 19, 2010.
- ²⁵⁵⁹ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Embassy- Kingston, *reporting*, January 23, 2009.
- ²⁵⁶⁰ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁶¹ U.S. Department of State, “Trafficking in Persons Report - 2010 Jamaica.”
- ²⁵⁶² Ibid.
- ²⁵⁶³ Ibid.
- ²⁵⁶⁴ Ibid. See also U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁶⁵ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁶⁶ Jamaica Labour Party, “Labour Ministry Tackles Child Labour,” (September 24, 2009); available from <http://www.jamaicalabourparty.com/base/content/labour-ministry-tackles-child-labour>
- ²⁵⁶⁷ Lincoln Robinson, *Draft National Plan of Action on Child Labour - Jamaica (based on Stakeholder consultation and feedback Sessions held in Kingston and Montego Bay, June 2004)*.
- ²⁵⁶⁸ Jamaica Labour Party, “Labour Ministry Tackles Child Labour.”

²⁵⁶⁹ U.S. Embassy- Kingston, *reporting, February 19, 2010.*

²⁵⁷⁰ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, October 2001.

²⁵⁷¹ U.S. Department of State, “U.S. Government Funds Obligated in 2007 for TIP Projects.”

²⁵⁷² *Ibid.*

²⁵⁷³ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>, U.S. Embassy-

Kingston, *Reporting, February 19, 2010.* See also Jamaica Labour Party, “Labour Ministry Tackles Child Labour.”

²⁵⁷⁴ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries.*

²⁵⁷⁵ U.S. Embassy- Kingston, *reporting, February 19, 2010.*

²⁵⁷⁶ Jamaica Information Service, “Ministry of Labour and Social Security: Saturday is World Day Against Child Labour,” (June 11, 2010); available from http://www.jis.gov.jm/labour/html/20100611t100000-0500_24285_jis_saturday_is_world_day_against_child_labour.asp.

²⁵⁷⁷ *Ibid.*