

In 2012, Jamaica made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government completed baseline surveys through TACKLE, a global child labor program, which has been used to synchronize current laws and policies and improve child labor enforcement. The Government also drafted a National Policy on Child Labor and a new Plan of Action to Combat Human Trafficking in Persons (2012-2015), but these plans are still under review. Despite these advancements, Jamaica still faces legislative gaps, lacks current statistics on child labor, and has not committed sufficient staff and resources to enforce child labor laws. Children in Jamaica are engaged in the worst forms of child labor, particularly in commercial sexual exploitation.

### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	8.4 (48,336)
Attending School	5-14 yrs.	98.6
Combining Work and School	7-14 yrs.	9.5
Primary Completion Rate		73.4

#### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from MISC3 Survey, 2006.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jamaica are engaged in the worst forms of child labor, particularly in commercial sexual exploitation.(3-7) Children are commercially sexually exploited in the island's resort areas.(4, 5, 7, 8) Some children in commercial sex work are victims of human trafficking.(4, 6)

Although the extent of the problem is unclear, there is evidence of children's involvement in the production of pornography in Jamaica. Children are known to be used as the subjects of pornographic films and, less commonly, live sex shows.(4, 9-12)

There are also reports of children working on the streets as beggars and in forced labor situations as street vendors.(3, 5-7, 13) Limited evidence suggests that children collect discarded tins from garbage dumps to sell to scrap metal dealers. In dumps, children risk skin lacerations and subsequent bacterial infections.(7, 14)



Children in Jamaica are exposed to risks in agricultural work and construction.(3, 5-7, 15) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(16, 17) Limited evidence suggests that children also work in the fishing industry.(15) These children may work long hours, perform physically demanding tasks, and face dangers such as drowning.(18) During this reporting period, 21 children were identified as victims of human trafficking aboard a Honduran fishing vessel. The Government of Jamaica coordinated and funded the children's voluntary repatriation back to Honduras.(19)

Although evidence is limited, children are reportedly exploited through forced labor in domestic service.(3, 7, 8)

Children in Jamaica are used for a variety of illicit activities. They execute financial scams and serve as drug and gun couriers.(20-22)

### Laws and Regulations on the Worst Forms of Child Labor

The Child Care and Protection Act (2004) sets forth mandates relating to the employment of children and child labor.(23) It establishes the minimum age for employment at 15, but allows children ages 13 to 14 to engage in light work. Although the actual list that stipulates what occupations are considered light work remains in draft form, the government has identified hair-braiding, clerical work, newspaper vending, supermarket packing, and engagement in household chores as permissible.(15, 23, 24) The Act also sets the minimum age for hazardous work, including industrial labor and night work, at 18. Moreover, it explicitly protects children from street begging, making it an offense for an adult to cause, procure or permit a child to beg or receive alms.(23, 24) The Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act, and the Docks (Safety Health and Welfare) Regulations of 1968 include specific provisions prohibiting the employment of children in certain types of hazardous work.(25)

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## International Conventions and Selected Laws on Child Labor and Education

	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	✓
	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

The Occupational Safety and Health (OSH) Act was drafted in 2010, but continues to be under review by Parliament. It contains a list of 45 occupations determined by the Government to be hazardous in nature and prohibited for children under the age of 18.(3, 15, 26) Some of these hazardous occupations include fishing at sea, working on construction sites, participating in the production of pornography, and engaging in illicit activities that involve weapons.(26) The Act also contains the draft list of occupations that constitute light work.(3, 15, 27) If adopted, the OSH Act will increase current fines for employers who illegally utilize child labor and would enable labor inspectors to access formerly prohibited workplace environments in the informal economic sector.(3, 5, 15, 28, 29)

The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 criminalizes all forms of trafficking, including child trafficking. It also prohibits keeping a person in a state of slavery or servitude, or causing a person to provide forced labor.(13, 29-32)

The Child Care and Prevention Act also prohibits the sale and trafficking of minors, and bans children from selling alcohol or tobacco products.(24) Current legislation does not prohibit the use, procurement, or offering of a child for illicit activities, such as for the production and trafficking of drugs. The draft OSH Act contains provisions addressing these legislative gaps, but it has yet to be adopted.(33)

The Child Pornography Prevention Act of 2009 prohibits using or involving a child in the production of pornography as well as producing, distributing, possessing, or accessing child pornography.(34) The Sexual Offences Act of 2009 prohibits procuring or attempting to procure a person under 18 for sexual intercourse and prohibits procuring a person of any age to become a prostitute.(26, 33, 35)

The minimum age for voluntary recruitment into the armed forces is 18, although recruits may begin training at 17 years, 6 months with parental consent.(36, 37)

School is compulsory for all children under the age of 18.(6, 31, 38) The Jamaican Charter of Fundamental Rights and Freedoms guarantees all citizens free public pre-primary and primary education.(31, 39)

## Institutional Mechanisms for Coordination and Enforcement

The Government has an interagency commission that coordinates efforts to combat child labor. The commission includes the Ministry of Labor and Social Services (MLSS), the Child Development Agency (CDA), the Office of the Children's Advocate (OCA), and the Office of the Children's Registry (OCR).(6)

MLSS's Child Labor Unit (CLU) and Occupational Safety and Health Unit (OSHU), as well as the CDA, are responsible for enforcing child labor laws, monitoring related violations, and overseeing efforts to address the problem.(3, 5) According to the ILO, each of these offices has insufficient staff to effectively carry out its mandate.(40) MLSS employs 15 labor inspectors and 30 general inspectors who are trained to investigate a range of violations, including child labor violations.(6) In 2012, funding for labor inspections increased from \$415,000 to approximately \$507,000.(6) OSHU conducted 2,207 inspections in factories, buildings, ships, and docks. There were no cases of child labor identified.(6, 26) Many children engaged in the worst forms of child labor in Jamaica are found in informal activities like street work, a sector that is outside the scope of labor inspections.(6)

The OCR receives complaints about child abuse, including criminal violations of child labor laws.(6, 41) From January to September 2012, the registry received 146 reports of child labor and two cases of child trafficking. Although the sector of employment is unknown, girls were more likely than boys to be engaged in child labor activities.(6, 42)

The Government has established a National Task Force Against Trafficking in Persons, which is led by the Ministry of

Justice. The Task Force also includes representatives from the Ministries of National Security and Foreign Affairs, the Jamaica Constabulary Force (JCF) and the Department of the Public Prosecutor, as well as representatives from the Ministries of Health, Education, Labor and Youth and Culture.(5, 6) The Task Force is responsible for facilitating information exchanges between government agencies and external stakeholders, as well as creating momentum for counter trafficking efforts. It oversees the implementation of the country's National Action Plan to Combat Human trafficking.(26, 43)

The JCF has independent authority to enforce criminal laws, including those related to the worst forms of child labor. It also contains a Trafficking in Persons (TIP) Unit that investigates and prosecutes cases of child trafficking and commercial sexual exploitation.(5, 11, 43) From April to November 2012, the TIP unit conducted 213 raids, significantly more than the 32 raids of the previous year, and arrested four individuals. It is unknown, however, how many people were identified as victims of human trafficking during the course of the raids or if any children were involved.(31) The Government has not reported any trafficking convictions this reporting period.(13) However, as discussed above, it provided assistance to 21 trafficked minors from Honduras and facilitated their repatriation back home.(19)

### **Government Policies on the Worst Forms of Child Labor**

The CLU is responsible for implementing Jamaica's National Plan of Action on Child Labor.(5, 22) The Plan prioritizes strengthening current legislative frameworks to address all forms of child labor, specifically focusing on children engaged in domestic service, prostitution, forced labor, and hazardous work within the agricultural and fishing industry. It identifies four primary objectives: to collect current and reliable data on child labor, to establish public awareness and sensitize the Jamaican people to the problem, to improve the Labor Ministry's personnel capacity to be able to identify child laborers, and to work with trade unions, as well as the Jamaican Employers' Federation, to raise awareness among employees.(5, 22, 44) However, there have been challenges in meeting the Plan's mandate. A lack of recent statistical data, institutional tracking systems, and adequate resources has hampered efforts to combat child labor.(22, 40) The Government has drafted a National Policy on Child Labor in an effort to implement the National Plan of Action on Child Labor and address some of the current challenges, but it continues to be under review.(26, 31)

Jamaica's National Action Plan to Combat Human Trafficking has identified short- and long-term priority areas.(45) They

include targeting law enforcement officials to address the commercial sexual exploitation of children, conducting public awareness campaigns, and implementing outreach programs.(46) The Government has drafted a new Plan of Action to Combat Human Trafficking in Persons (2012-2015) in an effort to strengthen current priority areas and ensure that shelters are available to victims. The new Plan has not been adopted.(26, 46)

The Government has a Compulsory Education Policy to ensure that all children between the ages of 3 and 18 have access to a learning institution or vocational training program. One element of the Policy is the Career Advancement Program (CAP), which is meant to provide 16 to 18 year olds with two additional years of schooling upon completion of the eleventh grade.(31, 47) Although education is compulsory, in practice, it is difficult to enforce due to the financial constraint of some families and the absence of truancy officers.(40) More enforcement authorities, such as truancy officers, are needed to ensure that implementation of the policy is effective and children remain in school.

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

The Government of Jamaica continues to participate in the global child labor project, Tackle Child Labor through Education (TACKLE), which is a \$20.8 million initiative funded by the European Commission.(48, 49) The project's key objectives are to reduce poverty by providing disadvantaged youth access to basic education and skills development training, as well as to strengthen the capacity of national and local authorities to combat child labor.(48) In Jamaica, program efforts have included strengthening current legislation and improving policies to better combat child labor.(48, 49) Since the inception of TACKLE in 2009, the Government has worked closely with two NGO's, RISE and Children First, to provide direct support to children engaging and at risk of engaging in child labor activities. RISE had an original target of withdrawing 275 children from child labor and undertaking prevention activities that would reach approximately 600 children throughout six inner city communities in Kingston.(27) Due to challenges in gaining access to working children within the school environment, as well as in the local community, it had to adjust its initial targets. Children First was successful in withdrawing 130 children from child labor and reaching 670 children through its prevention work.(27) During the reporting period, TACKLE completed baseline child labor surveys which produced data that will be used to develop a module on child labor in the national education system, design a training program on child labor

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for the police force, and create a handbook on “Child Labor for Professionals”.(27) The baseline survey data has already been used to synchronize current laws and policies, improve enforcement, and has been utilized in the drafting of the National Child Labor Policy.(27)

The Government also continues to run a hotline that receives reports of child abuse, including cases that involve the worst forms of child labor and trafficking.(3, 5) According to the Government, efforts are ongoing to ensure that the hotline is adequately staffed and funded.(31) In the last reporting period, it was noted that the Government had established three shelters to aid female trafficking victims. However, the Government of Jamaica reports that it only has one shelter dedicated for trafficked victims.(5, 31, 33)

The Program for Advancement through Health and Education (PATH) is a government-run conditional cash transfer program. Among its chief objectives is to reduce child labor by requiring participants to attend school at least 85 percent of the academic days within a month.(50-52) Recent evaluations of the PATH program reveal that children at the primary and secondary level are not likely to reach that target.(52)

Recently, the Child Development Agency launched a child protection database to provide the public with data on the issues affecting the children of Jamaica.(26) It is unknown how this database will impact the child labor situation in Jamaica.

Existing government programs are not sufficient to meet the needs of all children engaged in the worst forms of child labor.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Enact the new Occupational Safety and Health Act, including the list of hazardous occupations prohibited to children under age 18 and the list of light work activities permitted for children aged 13 and 14.	2009, 2010, 2011, 2012
	Adopt legislation to prohibit procuring or offering a child for illicit activities, including drug trafficking and production.	2009, 2010, 2011, 2012
Coordination and Enforcement	Assess the adequacy of staffing within agencies responsible for the enforcement of child labor laws and regulations.	2011, 2012
Policies	Assess the adequacy of resources allocated for effective implementation of the objectives of the National Plan of Action on Child Labor and specifically explore ways to <ul style="list-style-type: none"> <li>• Collect, analyze and disseminate current child labor statistics.</li> <li>• Implement a system to track child laborers after they have been identified and/or removed from child labor.</li> </ul>	2010, 2011, 2012
	Adopt the new Plan of Action to Combat Human Trafficking in Persons.	2012
	Ensure that enforcement authorities, such as truancy officers, are hired to enforce the compulsory schooling policy.	2012
Social Programs	Utilize the government established shelter for trafficked victims and provide sufficient resources so that it can continue to be operational.	2011, 2012
	Expand programs that assist children in the worst forms of child labor and develop programs to aid children in domestic labor and street work.	2010, 2011, 2012

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