

In 2011, Jamaica made a moderate advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Government ratified the Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. With assistance from the ILO, the Government conducted an Assessment of the Implementation and Enforcement Machinery to Combat Child Labour in Jamaica, which includes concrete recommendations for improvement. In addition, the Government established a coordinating mechanism on child labor issues and passed a bill to guarantee free public primary education. Despite these efforts, Jamaica still faces legislative gaps, lacks current statistics on child labor and has not committed sufficient staff and resources to enforce child labor laws and implement programs. Children in Jamaica continue to engage in the worst forms of child labor, including in street work and 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, 2012.(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, including in street work and commercial sexual exploitation.(3-7) On the streets, children typically work in markets, as ambulatory vendors or as beggars.(3, 5-7) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(8) Some children involved in street vending are reportedly in situations of forced labor.(3, 9) 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.(10)

Child prostitution is a problem, including child sex tourism in the island's resort areas.(4, 5, 7, 11) Some children in commercial sex work are victims of human trafficking.(4, 6, 9)



Although evidence is limited, children are reportedly exploited through forced labor in domestic service and begging.(3, 7, 9)

Children on the island are used for a variety of illicit activities. They execute financial scams and serve as drug and gun couriers.(11-13)

Children in Jamaica are exposed to risks in agricultural work and construction.(3, 5-7, 14) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(15) Limited evidence suggests that children also work in the fishing industry.(14) Children working in fishing are susceptible to risks such as drowning.(16)

Though 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, 17-21)

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

The Child Care and Protection Act of 2004 establishes the minimum age for employment at 15. The Act permits children ages 13 and 14 to engage in light work that the Minister of Labor has a legal responsibility to define. However, the list of occupations that constitute light work remains in draft form.(14, 22) The Act also sets the minimum age for hazardous work, including industrial labor and night work, at 18.(22) The Act 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.(22) 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.(23)

Parliament is currently reviewing a new Occupational Safety and Health (OSH) Act, which contains an annex with a list of hazardous occupations it would prohibit for children under age 18. The list contains 45 types of work, including fishing at sea, working with pesticides, operating heavy equipment, producing and trafficking illicit drugs and participating in the production

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of pornography.(3, 5, 24, 25) The new OSH law also contains the draft list of light work occupations.(14) Further, the law would increase fines for illegally employing children.(5) It would also provide inspectors access to workplace areas that are currently prohibited, possibly facilitating more effective enforcement of child labor laws.(5, 14, 24, 25) However, the Government has not enacted the OSH Act.(3, 6, 14, 26, 27)

	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

Forced labor is not prohibited under Jamaican law. (3, 7) However, child trafficking is legally banned.(25) The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 criminalizes all forms of trafficking, while the Child Care and Protection Act explicitly prohibit the sale and trafficking of minors.(9, 22, 28)

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.(29) 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.(25) In August 2011, Jamaica ratified the Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.(30)

Though the Child Care and Protection Act forbids children from selling alcohol and tobacco products, Jamaican law, except for the limited instances discussed above, does not prohibit

procuring or offering a child for illicit activities, including drug production and trafficking.(22, 25)

The minimum age for voluntary recruitment into the armed forces is 18, though recruits may begin training at 17 years, 6 months.(31)

The Government raised the minimum compulsory education age from 16 to 18 in 2008.(6) In March 2011, the Government passed the Charter of Rights Bill, which guarantees free public pre-primary and primary education to all citizens.(32)

## Institutional Mechanisms for Coordination and Enforcement

In 2011, the Government formed a new interagency commission to coordinate 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) and 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.(33) MLSS employs 16 labor inspectors and 30 general inspectors who are trained to investigate a range of violations, including child labor violations.(6) In 2011, funding for labor inspections was approximately \$415,000. OSHU conducted 2,192 inspections covering ships, docks and registered and unregistered factories.(6) However, no cases of child labor were identified as a result. Many children involved in the worst forms of child labor in Jamaica are found in informal activities like street work, which are not reached by inspections. The Office of the Children's Registry receives complaints about child abuse, including criminal violations of child labor laws.(6) In 2011, the registry received 78 reports of child labor and one case of child trafficking.(34)

The Government has established a National Task Force Against Trafficking in Persons. In previous years, the Task Force has comprised representatives from the Ministries of National Security and Foreign Affairs, the Jamaica Constabulary Force (JCF) and the Department of the Public Prosecutor. (5) In 2011, the body expanded significantly, to include representatives from the Ministries of Health, Education, Justice, Labor and Youth and Culture.(6) The Task Force is

responsible for facilitating information exchanges between government agencies and external stakeholders and creating momentum for counter-trafficking efforts. It oversees the implementation of the country's action plan on human trafficking.(35)

The JCF has independent authority to enforce criminal laws, including those related to the worst forms of child labor and possesses a Trafficking in Persons (TIP) Unit that investigates and prosecutes instances of child trafficking and commercial sexual exploitation.(5, 19, 35) Between April 2010 and March 2011, the TIP Unit conducted 14 human trafficking raids and investigations. However, the Government did not report any new trafficking convictions.(9)

### **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, 13) The Plan prioritizes children engaged in domestic service, prostitution, forced labor and hazardous work, including agriculture.(36) It identifies four primary objectives: gather current and reliable data; establish public awareness and sensitization; improve MLSS personnel capacity to identify children exposed or vulnerable to child labor and work with trade unions and the Jamaica Employers' Federation to build awareness among employers. (13) However, not all of these objectives are being met. Both the Children's Advocate and the Director of the CLU have said the lack of recent statistical data and absence of a system to track child laborers hampers efforts to combat child labor.(13, 33) In addition, the CLU has inadequate resources to effectively implement the National Plan of Action.(13, 33)

Jamaica's National Action Plan to Combat Human Trafficking details short- and long-term activities to combat trafficking in persons.(37) Key priorities include targeting law enforcement to address the commercial sexual exploitation of children and public awareness and outreach programming.(38)

Although education is compulsory through grade nine, this requirement is not universally enforced because of the financial constraints some families face and the absence of enforcement authorities such as truant officers.(33)

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

The Government is participating in a global child labor project, Tackle Child Labor through Education (TACKLE), funded by the European Commission that is scheduled to end in August 2013. The TACKLE Project aims to reduce poverty by providing children access to basic education and skills training and by strengthening the capacity of national and local authorities to combat child labor.(39) In Jamaica, the program includes efforts to enhance legislation and improve policies around child labor.(39-41) The Government planned to conduct a series of baseline child labor surveys through TACKLE, but they have been delayed due to funding and capacity constraints.(5, 6)

Under the TACKLE Project, the Government conducted an Assessment of the Implementation and Enforcement Machinery to Combat Child Labour in Jamaica.(25) The report analyzes the strengths and gaps in the Government's current institutional, policy and programmatic frameworks to combat child labor, making concrete recommendations for improvement. The Government also runs a hotline that receives reports of child abuse, including cases that involve the worst forms of child labor.(5)

Through the Office of the Children's Advocate and the National Task Force Against Trafficking in Persons, the Government implemented efforts to raise awareness about child trafficking and prostitution.(9) It also maintains a crime hotline that receives reports about child labor and trafficking.(3, 9) The Government has established three shelters to aid female trafficking victims.(3, 25) It also operates facilities that house child victims.(25) It is unclear whether these efforts are sufficient in assisting victims of child trafficking.

The Program for Advancement through Health and Education (PATH) is a government-run conditional cash transfer program. Among PATH's objectives is the reduction of child labor through the provision of grants contingent on children's minimum school attendance.(42, 43) Thus far, evaluations of PATH do not appear to have provided conclusive evidence about the program's impact on child labor.(44)

Existing government programs are not extensive enough to reach all children engaged in the worst forms of child labor and do not target children in domestic service or street work.

**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
	Adopt legislation to prohibit all forms of forced labor.	2009, 2010, 2011
	Adopt legislation to prohibit procuring or offering a child for illicit activities, including drug trafficking and production.	2009, 2010, 2011
Coordination and Enforcement	Assess the adequacy of staffing within agencies responsible for the enforcement of child labor laws and regulations.	2011
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
	Expand education policy to facilitate universal compulsory education through grade nine, as mandated by law.	2011
Social Programs	Implement child labor baseline surveys under the TACKLE Program	2010, 2011
	Ensure the crime hotline and government support shelters to assist child victims of trafficking are sufficiently funded and staffed in order to adequately serve the targeted population.	2011
	Further assess the impact PATH may have on addressing child labor.	2010, 2011
	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

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