

Jamaica

MODERATE ADVANCEMENT

In 2013, Jamaica made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government amended the trafficking law to include harsher penalties for violators of child trafficking cases, the National Task Force Against Trafficking in Persons (NTFATIP) supported many awareness activities, and the Government conducted three small pilot surveys on child labor. Jamaica also continued to participate in the Child Labor Measurement and Policy Development (MAP) program and the Tackling Child Labor through Education (TACKLE)



program, through which they published a Child Labor Handbook for Professionals. However, children in Jamaica are engaged in child labor in street work and in the worst forms of child labor in commercial sexual exploitation. There is no law prohibiting the procuring or offering of a child for illicit activities, including drug trafficking and production. The country lacks current nationwide comprehensive statistics on child labor, and it has not enacted a draft Occupational Safety and Health (OSH) Act.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Jamaica are engaged in child labor in street work and in the worst forms of child labor in commercial sexual exploitation.(1-4) Table 1 provides key indicators on children's work and education in Jamaica.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|--------------|
| Working (% and population) | 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 (%) | | 88.0 |

Source for primary completion rate: Data from 2004, published by UNESCO Institute for Statistics, 2014.(5)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2006.(6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|---|--|
| Agriculture | Activities unknown, garden work* (1-4, 7) |
| Industry | Construction, activities unknown* (4) |
| Services | Garbage scavenging* (4, 8) |
| | Work in shops and markets* (4) |
| | Domestic service* (1, 4, 9) |
| | Street work as beggars and vendors (1-4, 10) |
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation sometimes as a result of human trafficking (1-4, 7, 10, 11) |
| | Used in the production of pornography* (12-14) |
| | Forced work in domestic service* and as vendors (1-4, 10) |
| | Illicit activities, executing financial scams, and serving as drug and gun couriers* (15-17) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

While Jamaica lacks comprehensive statistics on child labor, in 2013 the Ministry of Labor and Social Security (MLSS) conducted three small surveys on vulnerable children in the parishes of Clarendon, St. Catherine, and St. James.(18)







In Jamaica, trafficking victims are often young girls from low-income and single-parent homes.(11)

Children are commercially sexually exploited in the island's resort areas.(2, 4, 9) Children are known to be used as the subjects of pornographic films and, less commonly, live sex shows.(12) Limited evidence suggests that some Jamaican police and government officials are complicit with hiring children to be a part of prostitution rings.(11)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Jamaica has ratified all key international conventions concerning child labor (Table 3).

Table 3. 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 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|------|---|
| Minimum Age for Work | Yes | 15 | Child Care and Protection Act of 2004 (19) |
| Minimum Age for Hazardous Work | Yes | 18 | Child Care and Protection Act of 2004 (19) |
| List of Hazardous Occupations Prohibited for Children | Yes | | Child Care and Protection Act of 2004; Quarries Control (General) Regulation; Mining (Safety and Health) Regulations; Factories Act; Building Operations and Works of Engineering Construction Regulations of 1968; Shipping Act; and Docks (Safety Health and Welfare) Regulations of 1968 (20-22) |
| Prohibition of Forced Labor | Yes | | Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 (23) |
| Prohibition of Child Trafficking | Yes | | Child Care and Protection Act (2004) (24) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007; Child Pornography (Prevention) Act of 2009; Sexual Offences Act of 2009; Cyber Crimes Act of 2010 (10, 23, 25-31) |
| Prohibition of Using Children in Illicit Activities | No | | Child Care and Protection Act (2004) (24) |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 17.5 | Defense Act of 1962 (32, 33) |
| Compulsory Education Age | Yes | 18 | Education Act of 1965 (3, 26) |
| Free Public Education | Yes | | Jamaican Charter of Fundamental Rights and Freedoms (26, 34) |

* No conscription or no standing military.

The law establishes the minimum age for employment at 15, but allows children ages 13 to 14 to engage in light work; however, the list of occupations considered light work has not been finalized by the Government. The draft list includes hair braiding, clerical work, newspaper vending, supermarket packing, and engagement in household chores.(19, 24, 35) While there is no general legislation prohibiting specific hazardous activities to children under 18, the OSH Act, drafted in 2010 and currently under review by Parliament, would specify 45 hazardous occupations

Jamaica

MODERATE ADVANCEMENT

prohibited for children under 18.(1, 29, 30, 35). The draft statute identifies those to include, among others, fishing at sea, working on construction sites, participating in the production of pornography, and engaging in illicit activities that involve weapons. If adopted, the OSH Act will increase current fines for employers who illegally utilize child labor and will enable labor inspectors to access formerly prohibited workplace environments in the informal economic sector.(1, 2, 35) Industry-specific statutes, such as the Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act, and the Docks (Safety Health and Welfare) Regulations of 1968, identify as hazardous occupations for children under the age of 18 the operation of cranes and other duties related to lifting appliances in construction and in mining.(30)

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.(36) However, the Child Care and Prevention Act bans children from selling alcohol or tobacco products.(24)

In 2013, the Government adopted amendments to the Trafficking in Persons (Prevention, Suppression and Punishment) Act. The law identifies “debt bondage” as a means by which a victim may be coerced, doubles the maximum sentence for human trafficking from 10 years to 20 years, and mandates an additional 10-year sentence to those convicted of an offense in which “aggravating factors” are proven, such as the trafficking of minors by adults.(18)

The minimum age for voluntary military service in Jamaica is 17 years 6 months with parental consent. Children may enlist at age 17 for training purposes only. Children under 18 can enlist with parental consent.(32, 33)

Although education is compulsory, in practice it is difficult to enforce in the absence of an adequate number of truancy officers and the financial circumstances of some families that depend upon income from their children for support.(37)

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 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|--|
| MLSS, the Child Labor Unit (CLU), and the Occupation Safety and Health Department (OSHD) | Enforce and administer child labor laws, including monitoring of violations under related laws. Has 15 inspectors and is planning to fill three more positions; OSHD has 30 inspectors who cover businesses and sites in the formal economy.(1, 2, 18) Develop flow charts to facilitated multiple-agency responses. Share information with all other agencies involved in child labor issues.(18) |
| Child Development Agency (CDA) | Enforce child labor laws, monitor related violations, and oversee efforts to address the problem.(1, 2) |
| Office of Children’s Advocate (OCA) | Enforce and protect children’s rights, including maintaining records of complaints, conducting investigations, providing legal services for children, and educating the public on office’s services.(3, 38) |
| Jamaica Constabulary Force (JCF) | Enforce criminal laws, including those related to the worst forms of child labor. Includes a Trafficking in Persons (TIP) Unit that investigates and prosecutes cases of child trafficking and commercial sexual exploitation.(2, 13, 39) |
| Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) | Investigate and prosecute sexual offences and child abuse. Work in victim rehabilitation and conduct public education programs. Branch of the JCF.(40) |

Law enforcement agencies in Jamaica took actions to combat child labor, including its worst forms.

Labor Law Enforcement

Between January and September of 2013, the Occupational Safety and Health Department carried out 1,015 inspections. For FY 2013, approximately \$404,000 was allocated to the MLSS Occupation Safety and Health Unit.(18)

There were no cases of child labor found, as inspections are only conducted in factories, building sites, docks, and ships, where child labor is typically not found.(18, 36)

Authorities removed 130 children from child labor situations; however, there is no information available to identify the sectors in which these children were found working.(10)

There was no information available on how many inspections the MLSS carried out during the reporting period.

Criminal Law Enforcement

From 2012-2013, the TIP unit conducted 213 raids, an increase from 32 raids during 2011–2012. Two arrests were made for child trafficking during the reporting period.(41) The Ministry of National Security provided the JCF TIP Unit with \$29,826 in equipment and a vehicle for purposes of investigations and outreach work.(41)

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

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|---|---|
| MLSS Program for the Elimination of Child Labor | Coordinate the enforcement of child labor laws. Employs 15 labor inspectors and 30 general inspectors who are trained to investigate a range of violations, including child labor violations.(3) |
| National Task Force Against Trafficking in Persons (NTFATIP) (led by the Ministry of Justice) | Facilitate information exchanges between government agencies and external stakeholders, as well as creating momentum for counter trafficking efforts. Oversee the implementation of the country's National Action Plan to Combat Human Trafficking.(30, 39) 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.(2, 3) Meets regularly with the JCF, Director of Public Prosecutions (DPP), and other ministries.(18) Held a four-day training seminar in January 2014.(42) |
| Office of Children's Registry (OCR) | Receive complaints about child abuse, including criminal violations of child labor laws.(3, 38) |

From April 2012 to March 2013, the NTFATIP supported many trafficking awareness activities, including distribution of 15,000 TIP wallet cards to officials, and conducting workshops, conferences, and radio broadcasts.(41)

Research did not uncover any information on other efforts during the reporting period, nor is there information available on OCR registry reports received during 2013.(3, 43)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Jamaica has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|--|--|
| Compulsory Education Policy* | Ensures that all children between the ages of 3 and 18 have access to a learning institution or vocational training program. Includes the Career Advancement Program, which provides 16- to 18-year-olds with two additional years of schooling upon completion of the eleventh grade.(44) |
| National Action Plan to Combat Human Trafficking | Targets law enforcement officials to address the commercial sexual exploitation of children, conducts public awareness campaigns, and implements outreach programs.(41) |
| National Plan of Action on Child Labor | Aims to strengthen 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 industries. 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.(2, 17, 45) |

*The impact of this policy on child labor does not appear to have been studied.

The Government established no new plans during the reporting period. 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, 30) Implementation of the current National Plan of Action of

Jamaica

MODERATE ADVANCEMENT

Child Labor has faced difficulties, including the lack of adequate resources, recent statistical data, and an institutional tracking system.(17, 37)

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.(30, 46)

In November, the Government participated in the XVIII Inter-American Conference of Ministers of Labor to foster continued dialogue and cooperation on labor issues throughout the Americas. The joint declaration of the Conference promotes social dialogue to address child labor and reaffirms country participants' commitment to work with civil society organizations to advance efforts toward the eradication of child labor.(47)

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

In 2013, the Government of Jamaica funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

| Program | Description |
|--|--|
| Tackling Child Labor through Education (TACKLE) project | Jointly launched by the European Commission and the ILO to combat child labor through education in 12 African and the Caribbean countries and the Pacific group of states (ACP).(48) Government worked closely with NGOs RISE and Children First to provide direct support to children engaging and at risk of engaging in child labor activities.(49, 50) In 2013, Children First withdrew 130 children from child labor and benefitted 670 children through its prevention work.(51) TACKLE project introduced the Red Card to Combat Child Labor at the Jamaica vs. Panama World Cup qualifying match in 2013.(52) Created a handbook on "Child Labor for Professionals," which was published in 2013.(51, 53) Baseline survey data has already been used to synchronize current laws and policies, improve enforcement, and was utilized in the drafting of the National Child Labor Policy.(51) |
| Program for Advancement through Health and Education (PATH)‡ | Government conditional cash transfer program to reduce child labor by requiring participants to attend school at least 85 percent of the academic days within a month.(54-56) Recent evaluations of the PATH program reveal that children at the primary and secondary level are not likely to reach that target.(56) |
| Hotline‡ | Government-run hotline that receives reports of child abuse, including cases that involve the worst forms of child labor and trafficking.(1, 2). It is unknown how many reports were related to child labor. |
| Child Labor Measurement and Policy Development (MAP)† | USDOL-funded research project implemented by the ILO in 10 countries, including Jamaica, to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity to conduct research in this area.(57) Received technical assistance in 2013 from the ILO's Global Research on Child Labor Measurement and Policy Development project to conduct a Child Labor Survey in 2014.(58) |
| Shelters for female trafficking victims‡ | Government shelters to aid female trafficking victims.(2, 26, 29, 41) |
| Child Protection Database*‡ | Government-run database that provides the public with data on the issues affecting the children of Jamaica.(30) |
| Child Labor Handbook for Professionals† | ILO-IPEC 42-page handbook provides professionals with a background on international standards on child labor, Jamaican child labor laws, and services to take action and address child labor situations.(53) |

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Jamaica.

Although Jamaica has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

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

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Jamaica (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Laws | Enact the new Occupational Safety and Health Act, including the list of hazardous occupations prohibited to children under age 18. | 2009 – 2013 |
| | Adopt legislation to prohibit procuring or offering a child for illicit activities, including drug trafficking and production. | 2009 – 2013 |
| Government Policies | Adopt the new Plan of Action to Combat Human Trafficking in Persons. | 2010 – 2013 |
| | 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 implement a system to track child laborers after they have been identified and/or removed from child labor | 2010 – 2013 |
| | Ensure that sufficient enforcement authorities, such as truancy officers, are hired to enforce the compulsory schooling policy. | 2012 – 2013 |
| Social Programs | Utilize the government established shelter for trafficked victims and provide sufficient resources so that it can continue to be operational. | 2011 – 2013 |
| | Conduct research to determine the activities carried out by children working, especially for children working in agriculture. | 2013 |
| | 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 – 2013 |
| | Disaggregate the number of complaints made to the hotline that relate to child labor. | 2013 |

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