

In 2018, Jamaica made a moderate advancement in efforts to eliminate the worst forms of child labor.

The government published the results of its Jamaica National Youth Activity Survey and increased its number of labor inspectors to meet recommended international enforcement standards. Jamaica also amended a key piece of legislation related to human trafficking and established the U.S.-Jamaica Child Protection Compact Partnership to combat child trafficking.

However, children engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and illicit activities. Children also perform dangerous tasks in agriculture, fishing, construction, domestic work, and in wholesale and retail. Jamaica's labor inspectorate lacks the authority to assess penalties for labor law violations and although the government has laws prohibiting the use of children in some illicit activities, it does not provide higher penalties for using, procuring, or offering children for the production and distribution of drugs compared to those for using adults.



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Jamaica engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and illicit activities. (1,2) Children also perform dangerous tasks in agriculture, fishing, construction, domestic work, and in wholesale and retail. (3) Table 1 provides key indicators on children's work and education in Jamaica. Data on some of these indicators are not available from the sources used in this report.

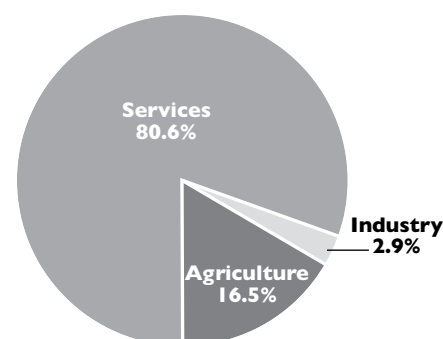
**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	6.2 (30,111)
Attending School (%)	5 to 14	98.9
Combining Work and School (%)	7 to 14	7.2
Primary Completion Rate (%)		Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2019.

Source for all other data: International Labor Organization's analysis of statistics from Jamaica Youth Activity Survey, 2016. (3)

**Figure 1. Working Children by Sector, Ages 5-14**



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	Farming, activities unknown (1,3,4) Fishing, activities unknown (1,3,5)
Services	Garbage scavenging, collecting scrap metal (1,6) Working in gardens, shops, and markets (1,4,5,7,8) Domestic work (1,4,6,8-12) Street work, including peddling goods and services, begging, <sup>†</sup> and vending (1,4,12,13)
Categorical Worst Forms of Child Labor <sup>‡</sup>	Commercial sexual exploitation, sometimes as a result of human trafficking (2,4,12,14) Forced labor in domestic work (2,4,9) Use in illicit activities, including executing financial scams and serving as drugs and guns couriers (1,2,4,6,8,12,14-17)

<sup>†</sup> Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

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

# Jamaica

## MODERATE ADVANCEMENT

In 2018, the Statistical Institute of Jamaica and the ILO released the results of the Jamaica National Youth Activity Survey, which estimated that 53,274 children are engaged in child labor in Jamaica, with 48.9 percent engaged in hazardous work. Children perform hazardous work primarily in the domestic sector, in agriculture and fishing, in the wholesale and repair sectors, and in construction. (18) Children in rural areas are more likely to work, work more hours, and engage in hazardous work than children in urban areas. (3,18)

Jamaica is a destination and source country for commercial sexual exploitation of children. Jamaican children are trafficked for commercial sexual exploitation and forced labor to countries including the United States, the United Kingdom, and Canada. (9) Sources indicate that children, sometimes at the behest of parents or criminal leaders referred to as “dons,” are forced into commercial sexual exploitation. (1) Young girls, immigrant children, lesbian/gay/bisexual/transgender/intersex youth, children from poor families, and children from rural areas are particularly vulnerable to human trafficking and child sexual exploitation. (2,4)




Children also continue to be recruited by criminal organizations to engage in illicit activities, such as gang violence, guns and drug smuggling, and financial fraud, including lottery scamming. (1,2,4,14,17) Child domestic workers may be subjected to domestic servitude, and some children are subjected to forced begging. Many children are reported missing in Jamaica, some of whom may be subjected to forced labor. (2,4,19)

Although the law mandates free public education and school attendance rates are high, the cost for transportation, food, books, and clothing creates barriers to education for some children. (1)

## II. LEGAL FRAMEWORK FOR 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 laws and regulations related to child labor (Table 4). However, gaps exist in Jamaica’s legal framework to adequately protect children from the worst forms of child labor, including the prohibition of using children for the production and distribution of drugs.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 34(1) of the Child Care and Protection Act (20)
Minimum Age for Hazardous Work	Yes	18	Article 34(3) of the Child Care and Protection Act (20)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 34(3)(b) and 41 of the Child Care and Protection Act of 2004; Section 55 of the Factories Act: Docks (Safety, Health and Welfare) Regulations; Section 18 of the Mining Act; Section 49 of the Factories Act: Building Operations and Works of Engineering Construction Regulations (20-23)

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Section 4 of the Trafficking in Persons (Prevention, Suppression and Punishment) Act; Section 10 of the Child Care and Protection Act (20,24)
Prohibition of Child Trafficking	Yes		Section 4 of the Trafficking in Persons (Prevention, Suppression and Punishment) Act; Section 10 of the Child Care and Protection Act (20,24)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 4 of the Trafficking in Persons (Prevention, Suppression and Punishment) Act; Section 3 of the Child Pornography (Prevention) Act; Section 40 of the Sexual Offences Act (24-26)
Prohibition of Using Children in Illicit Activities	No		Section 4 of the Criminal Justice (Suppression of Criminal Organizations) Act (27)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 18(2) of the Defence Act (28)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	16	Section 28 of the Child Care and Protection Act (20)
Free Public Education	Yes		Section 13(k) of the Jamaican Charter of Fundamental Rights and Freedoms (29)

\* No conscription (24)

In 2018, the government amended the Trafficking in Persons (Prevention, Suppression and Punishment) Act to allow human trafficking victims to pursue restitution in civil court. (2,4,30,31) The Jamaican government also initiated the process to amend the Child Care and Protection Act (CCPA) to increase the potential penalty of child trafficking from 10 to 20 years imprisonment, and to require that human trafficking cases be tried in Circuit Court. However, the planned revision of the Act would still allow for the payment of a fine in lieu of jail time. (2,4)

A Joint Select Committee convened in 2018 to consider other amendments to the CCPA and agreed to ban child labor in nightclubs, massage parlors, casinos/gaming areas and other places in which alcohol or mood-altering substances are served or likely used. The recommended amendment will be further debated in 2019. (4) The government continued to debate the Occupational Safety and Health Bill which was referred to a Joint Select Committee in November of 2018 but still has not been passed. (4) Regulations associated with the bill, if passed, will specify light work activities permitted for children ages 13 and 14. (1,4,32)

Still, Jamaican laws do not specifically include higher penalties for perpetrators who use, procure, or offer a child for the production and distribution of drugs. (20,27,33) Also, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor and Social Security (MLSS) that may hinder adequate enforcement of child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Security (MLSS)	Enforces and administers child labor laws in the formal sectors of the economy. The Child Labor Unit within MLSS coordinates and shares information with other agencies to address child labor issues. (34)
Child Protection and Family Services Agency (CPFSA)	Monitors and investigates suspected child labor violations and oversees efforts to address child labor. Housed under the Ministry of Education, Youth, and Information. (1,32,34) Receives complaints of child abuse, child labor, child trafficking, and commercial sexual exploitation of children through a hotline. Refers suspected cases of child abuse to law enforcement. (1,34)
Office of the Children's Advocate	Independently investigates reports of child abuse; partners with other agencies, including the CPFSA and police, to promote protection of children and address child labor. (34)
Jamaica Constabulary Force (JCF)	Enforces criminal laws, including those related to the worst forms of child labor. Investigates, through the Anti-Trafficking in Persons Unit, cases of child trafficking and commercial sexual exploitation. (34) Investigates, through the Center for the Investigation of Sexual Offenses and Child Abuse, cases of child and sexual offenses, and educates the public about sexual offenses against children. (1,35)
Office of the Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor. Protects and promotes human rights for all citizens. (36)
Office of the National Rapporteur on Trafficking in Persons	Monitors government efforts in protecting human trafficking victims, prosecuting cases, and implementing preventative measures. (4)
Ministry of Justice Victim Services Division	Provides emotional support, crisis management, and special intervention projects for children and adults. (4) Assists child victims of crime through the Children in Court Program, which offers victims access to social workers and counselors. (37)

### Labor Law Enforcement

In 2018, labor law enforcement agencies in Jamaica took actions to combat child labor (Table 6). However, gaps exist within the authority of the MLSS that may hinder adequate labor law enforcement, including penalty assessment authorization.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	\$389,804 (1,32)	Unknown (4)
Number of Labor Inspectors	13 (1)	150 (4,38)
Inspectorate Authorized to Assess Penalties	No (1)	No (4)
Initial Training for New Labor Inspectors	N/A (1)	Yes (4)
Training on New Laws Related to Child Labor	N/A (1)	Yes (4)
Refresher Courses Provided	Yes (1,32)	Yes (4)
Number of Labor Inspections Conducted	2,068 (32)	5,221 (4)
Number Conducted at Worksite	2,068 (32)	Unknown (4)
Number of Child Labor Violations Found	0 (1)	1 (4)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (1)	0 (4)
Number of Child Labor Penalties Imposed that Were Collected	N/A (1)	0 (4)
Routine Inspections Conducted	Yes (1)	Yes (4)
Routine Inspections Targeted	Yes (1,32)	Yes (4)
Unannounced Inspections Permitted	Yes (1,32)	Yes (4)
Unannounced Inspections Conducted	Yes (1,32)	Yes (4)
Complaint Mechanism Exists	Yes (1,32)	Yes (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (1,32)	Yes (4)

In 2018, Jamaica increased the MLSS budget by 12 percent compared to 2017. The Ministry also retrained a significant portion of its existing labor inspectorate staff to increase the number of labor inspectors from 13 to 150, bringing the Labor Inspectorate in line with the ILO's technical advice for the ratio of inspectors to the size of the country's workforce. (4,39) The MLSS reported in 2018 that it had sufficient resources for facilities, transportation, fuel, and other necessities. (4) In July 2018, the Jamaican Labor Inspectorate took part in an ILO

workshop to instruct trainers on Labor Inspection, Child Labor, and Occupational Safety and Health. (40) In 2018, one child was removed from labor as a result of labor inspections. (4)

However, inspectors still do not have the authority to assess penalties, and only 90 of the 150 inspectors received training on child labor. Furthermore, ongoing refresher training, though available, is not required unless an administrative order or policy directive is issued. (4)

Child labor in Jamaica is mostly found in the informal sector; however, labor inspectors conduct inspections primarily in the formal sector, such as factories, building sites, docks, and ships. In 2018, there were no inspections in the informal sector, such as in rural areas, on family farms, or in homes. (1,4,6) Despite the presence of domestic child labor in Jamaica, inspectors are not allowed to enter and inspect private residences. (4)

### **Criminal Law Enforcement**

In 2018, criminal law enforcement agencies in Jamaica took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including allocating human resources.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (1)	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A (1)	Unknown
Refresher Courses Provided	Yes (1)	Unknown
Number of Investigations	25 (1)	Unknown
Number of Violations Found	3 (1)	5 (4)
Number of Prosecutions Initiated	3 (1)	Unknown
Number of Convictions	0 (1)	Unknown
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Yes (2)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (1)	Unknown

In 2018, the Jamaican government increased the Ministry of National Security's budget by 9 percent compared to 2017. (4) Jamaica undertook several efforts to increase awareness of human trafficking, including joining the Blue Heart Campaign against Human Trafficking, a UN international awareness-raising initiative. In addition to identifying five cases of child sexual exploitation, the government also convicted at least two individuals involved in cases of child trafficking and commercial sexual exploitation of a child. (2)

During the reporting period, the MLSS published the "Standard Operating Procedures for Labour Officers, Inspectors (OSH and NIS), Investigators, and Social Workers," which provides instructions to government workers when they encounter cases of human trafficking. (2) However, research indicates that the conviction rates for child labor crimes are very low in relation to the prevalence of these crimes, and cases take a long time to prosecute. Furthermore, bureaucratic processes inhibit the adequateness of the Counter-terrorism and Organized Crime Investigation Branch Anti-Trafficking Unit in investigating and prosecuting human trafficking cases. (4) Sources also indicate that prosecutors need additional training on the application of trafficking in persons laws for adequate prosecution of cases. (41)

## **IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR**

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including clarity of institutional mandates and coordination among agencies.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
MLSS Program for the Elimination of Child Labor	Coordinates the government's child labor policies and programs and identifies gaps in legislation across ministries. Collaborates with other ministries, such as the Ministry of Education, Youth, and Information, (CPFSA), the Ministry of Justice's National Task Force Against Trafficking in Persons (NATFATIP), and the Ministry of National Security, to address gaps in legislation. (42) Research was unable to identify whether this coordinating mechanism was functioning during the reporting period.
National Task Force Against Trafficking in Persons (NATFATIP)	Facilitates information exchanges between government agencies and external stakeholders and creates momentum for counter-trafficking efforts. Led by the Ministry of Justice, includes ministries and agencies across the government. Oversees implementation of the country's National Action Plan to Combat Human Trafficking. (6) Meets regularly with JCF, the Director of Public Prosecutions, and relevant ministries. (6,34) In 2018, NATFATIP, in collaboration with the U.S. Embassy in Jamaica, hosted a public forum for civil servants, academics, and law enforcement officials to discuss human trafficking trends and current investigations. (2)

Although the Child Protection and Family Services Agency has assumed a coordinating function between various agencies charged with protecting children, the organization is not mandated or resourced to play this role. As such, Jamaica lacks an effective agency to coordinate between child labor, human trafficking, and other child-related issues. (4)

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including the need for updated action plans in relevant policies.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Action Plan to Combat Human Trafficking (2015–2018)	Identifies objectives, actions, and responsible agencies to combat trafficking in persons, including commercial sexual exploitation of children and forced child labor, through prevention, protection, and prosecution. (17) The government's National Action Plan to Combat Human Trafficking (2015–2018) is out of date and there do not appear to be any plans to update or replace it. No substantive actions to execute policies under this plan were observed during the reporting period. (4)

The government indicated that it is still implementing its out-of-date National Action Plan on Child Labor 2015–2108 plan. The government is currently drafting a new Action Plan that it intends to release in 2019. (4,43) Child labor prevention and elimination strategies are still not integrated into the Compulsory Education Policy. (6,44)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including adequacy of programs to address the full scope of the problem.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Program for Advancement through Health and Education (PATH)†	\$35 million, Government of Jamaica and World Bank-funded, conditional cash transfer program that helps reduce child labor by requiring participants to attend school at least 85 percent of the academic days in a month. (45-47) The government increased funding for its PATH program in 2018, doubling the budget for its Rural Transportation Program and expanding it to all 12 parishes, thus providing school transportation to a total of 7,500 rural children. (4)
Citizen Security and Justice Program (CSJP)†	Cooperative crime and violence prevention initiative between the Government of Jamaica, the Inter-American Development Bank, the Department of Foreign Affairs, Trade and Development of Canada, and the Department for International Development of the United Kingdom of Great Britain and Northern Ireland. Provides services to 50 vulnerable communities in 8 different parishes, and includes the goal of preventing gangs, criminals, and other actors from recruiting children. (4) In 2018, the government increased funding for the CSJP for the 2018–2019 fiscal year by approximately 10 percent compared to 2017–2018. (4)



**Table 10. Key Social Programs to Address Child Labor (Cont.)**

Program	Description
USDOL-Funded Projects	USDOL projects that aim to eliminate child labor through technical assistance and research. These projects include: Global Research on Child Labor Measurement and Policy Development (MAP), a research project implemented by the ILO in 10 countries to increase the knowledge base on child labor by collecting new data, analyzing existing data, and building capacity of the government to conduct research in this area; and Country Level Engagement and Assistance to Reduce Child Labor II (CLEAR II), a \$7 million project implemented by Winrock International and Lawyers without Borders in 6 countries aimed at reducing child labor through improved legislation, monitoring and enforcement, and national plan implementation. (48,49) Through the CLEAR II project, the government continued to review and finalize regulations pertaining to child labor, including light work and hazardous works lists, under the Occupational Safety and Health Bill. The project also provided technical assistance to the government for the development of a National Action Plan on Child Labor. (4,40) As part of the MAP project, Jamaica officially launched its National Child Labor Survey. (48) Additional information is available on the USDOL website.
U.S.-Jamaica Child Protection Compact (CPC) Partnership	Jointly-developed, 4-year plan partially funded by the U.S. government to enhance the efforts of the Jamaican government to combat child trafficking. Finalized in 2018, Jamaica committed to providing staff and resources to fulfill the project's objectives. (2)

† Program is funded by the Government of Jamaica.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (50-52)

Although Jamaica funds education-related social programs, current resources are insufficient and social programs do not fully address the scope and magnitude of the problem, including the worst forms of child labor. (4) Research found no evidence of programs targeting children working in agriculture, street work, commercial sexual exploitation, and other worst forms of child labor.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Jamaica (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that legislation includes higher penalties for the use of children for the production and distribution of drugs.	2009 – 2018
	Raise the minimum working age of 15 to conform with the compulsory education age of 18.	2018
	Pass legislation that will determine the specific light work activities and hours permissible for children ages 13 and 14 to facilitate enforcement.	2014 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
Enforcement	Authorize the labor inspectorate to assess penalties.	2014 – 2018
	Ensure that yearly refresher training is mandatory for all labor inspectors.	2018
	Collect and publish complete data on labor and criminal law enforcement efforts.	2018
	Ensure that labor inspections are conducted not only in the formal sector, such as factories, building sites, docks, and ships, but also in the informal sector in urban and rural communities.	2014 – 2018
	Provide sufficient training for prosecutors to address the worst forms of child labor, such as child trafficking.	2018
	Address bureaucratic barriers to effective investigation and prosecution of human trafficking cases, and ensure these cases are prosecuted in a timely manner.	2018
Government Policies	Reinstate and approve the National Action Plan on Child Labor and update or replace the National Action Plan on Human Trafficking	2016 – 2018
	Integrate child labor elimination and prevention strategies into the Compulsory Education Policy.	2014 – 2018
Coordination	Ensure that the Child Protection and Family Services Agency and any other relevant agency or coordinating body has the authority and resources necessary to effectively coordinate child labor policies.	2018
	Ensure that the Ministry of Labor and Social Security is implementing its Program for the Elimination of Child Labor.	2018

**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Ensure that school costs, such as uniforms, books, and transportation, do not diminish access to free public education.	2017 – 2018
	Expand programs to assist child laborers who are involved in street work, commercial sexual exploitation, agricultural work, and other worst forms of child labor.	2013 – 2018

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