## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Jamaica became a member of ILO-IPEC in September 2000. The government has also been participating in a three-year USDOL-funded ILO-IPEC national program to collect baseline information on the extent of child labor in the country, conduct capacity-building and advocacy activities, and to provide a range of services to address the problem of child labor in commercial sexual exploitation, fishing, tourism, and informal urban sectors.[2257] This project also funded a national child labor survey conducted by the Statistical Institute of Jamaica (STATIN) with technical assistance from ILO-IPEC's SIMPOC. [2258]

In 1996, the government launched a National Plan of Action for Children to provide universal access to basic education, reintegrate street children into school, and develop a comprehensive national policy statement on children.[2259] Government programs for children evolving from this Plan of Action and relating to children are coordinated and monitored by the Child Support Unit within the Ministry of Health.[2260] For instance, the Child Support Unit commissioned a National Survey of Street and Working Children, which was published in March 2002.[2261]

In 2001, the government initiated the Possibilities Program, which provides care, resocialization, and skills training for street children.[2262] The government also collaborated with UNICEF on the Child and Youth At Risk Program, designed to address child labor issues and increase school attendance through poverty alleviation efforts and a public-awareness campaign. However, it was reported that the effectiveness of some support activities has been hampered by the country's poor economic conditions, limited resources, and lack of information about the full extent of the country's child labor problem.[2263]

The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.[2264] In 2001, the government and the World Bank began implementation of a Social Safety Net Program, which includes a child assistance component that provides grants to at-risk families in order to keep children in school.[2265] The IDB and USAID are funding programs to improve the quality of primary education, and another World Bank initiative is focusing on reforms to secondary education.[2266]

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[2257] This program is scheduled to end in 2004. See ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document, JAM/P50/USA, Geneva, June 2001, 1, 7, 13, 17, 19. See also ILO-IPEC, *Project Revision Form, National Program for the Prevention and Elimination of Child Labor in Jamaica*, Geneva, February 14 2003.

[2258] ILO-IPEC, *National Programme Jamaica, project document*, Annex 1.

[2259] Ibid., 11.

[2260] UN Committee on the Rights of the Child, *Second Periodic Report of States parties due in 1998*, CRC/C/70/Add.15, prepared by Government of Jamaica, pursuant to Article 44 of the Convention on the Rights of the Child, May 2000, para. 25; available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet.

[2261] U.S. Embassy- Kingston, *unclassified telegram no. 2048*, July 2003. See also Ruel Cooke, *National Survey of Street and Working Children*, Kingston, March 2002.

[2262] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Jamaica*, Washington, D.C., March 31, 2003, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18337.htm.

[2263] U.S. Embassy- Kingston, *unclassified telegram no. 1622*, June 2000.

[2264] U.S. Embassy- Kingston, *unclassified telegram no. 2589*, October 2001.

[2265] World Bank, *Project Appraisal Document to Jamaica for a Social Safety Net Program*, August 9, 2001, 10; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/09/01/000094946010817040116 63/Rendered/PDF/multi0page.pdf.

[2266] Ibid., 6. See also World Bank, *Project Information Document, Reform of Secondary Education Project*, October, 2002; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071589.

## Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Jamaica are unavailable.[2267] Child labor is largely urban based, the result of high levels of poverty, and the lack of family income.[2268] While child labor is not reported to be a significant problem in Jamaica's formal industrial sector,[2269] children are found working in informal activities, notably those in the fishing, agriculture, and tourism sectors.[2270] Children live and work on the streets[2271] and are involved in such activities as newspaper delivery, street vending, cart pushing, and work on cargo and tourist shipping wharves. Children also work as shop assistants in carpentry and mechanic shops and domestic servants.[2272] In tourist towns, children are reported to work in kitchens, hotels, and recreational and cultural activities.[2273] In some villages, children catch, scale, and gut fish.[2274] In agriculture, children work on family farms and in the cultivation and harvesting of marijuana.[2275]

A 2001 study funded by ILO-IPEC found that children as young as 10 years old work as prostitutes, catering to tourists in areas,[2276] while other young girls are hired by "go-go" clubs or massage parlors.[2277]

Under the Education Act, school is compulsory for children from the ages of 6 to 12 years.[2278] In 2000, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 94.9 percent.[2279] In spite of high enrollment rates, many Jamaican children (between 19 and 25 percent) fail to attend primary school regularly.[2280] Some families keep their children home because they cannot afford to pay school expenses.[2281] Although schooling is free at the primary level, reports indicate that some local schools and parent teacher organizations still collect fees.[2282] Other reports attribute low school attendance to the lack of relevant curricula,

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[2267] In 1994, a labor force survey conducted by STATIN, in collaboration with UNICEF, estimated that 4.6 percent of children ages 6 to 16 years were working in Jamaica. According to the survey, 22,000 children were working. Although it is dated, this statistic provides the best available estimate on the number of children working. See ILO-IPEC, *National Programme Jamaica, project document*, 7.

[2268] Government of Jamaica, *End Decade Assessment of World Summit for Children Year 2000 Goals, National Report: Jamaica*, UNICEF, New York, November 2000, 51 [cited June 9, 2003]; available from http://www.unicef.org/specialsession/how_country/edr_jamaica_en.PDF.

[2269] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

[2270] ILO-IPEC, *National Programme Jamaica, project document*, 7,8.

[2271] Government of Jamaica, *End Decade Assessment of Year 2000 Goals: Jamaica*.

[2272] ILO-IPEC, *National Programme Jamaica, project document*, 7-8.

[2273] Ibid.

[2274] Claudette Richardson-Pious, interview with USDOL official, July 2000.

[2275] ILO-IPEC, *National Programme Jamaica, project document*, 7.

[2276] ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, 13. ECPAT International notes that Montego Bay, Kingston, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica,* in ECPAT International, [database online] 2003 [cited June 9, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[2277] ILO-IPEC, *Situation of Children in Prostitution*, 13. See also ECPAT International, *Ecpat Database*.

[2278] UNESCO, *Index of Education Systems: Jamaica,* UNESCO, [cited June 9, 2003]; available from http://www.unesco.org/iau/cd-data/jm.rtf. See also U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 5.

[2279] World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

[2280] UNICEF, *Changing the Future for Jamaica's Children*, Kingston, August 1999, 5.

[2281] Ibid. See also ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II, Compilation of Annual Reports by the International Labor Office*, Geneva, March 2000, 299.

[2282] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

the lack of space in schools (especially at the secondary level), and the low quality of instruction.[2283] Absenteeism is reported to be particularly high on Fridays, as children often leave school in order to work.[2284]

## Child Labor Laws and Enforcement

The Juveniles Act of 1951 prohibits the employment of children under the age of 12 years, except in family domestic, agricultural, or horticultural work.[2285] Children under 15 may not be employed in industrial work. They are also prohibited from working on ships, except where only family members are employed.[2286] Children under 16 are prohibited from night work and from begging.[2287] Forced labor is not specifically banned.[2288] The Criminal Code prohibits procuring a girl under 18 years of age for the purposes of prostitution, and while there is not comprehensive law against trafficking in persons, the Criminal Code prohibits procuring a woman or girl to leave the island for work in prostitution.[2289] Assault, immigration, or customs laws may also be applied to prosecute cases of child trafficking.[2290]

Inspectors at the Ministry of Labor are responsible for enforcing child labor laws, and representatives from the Children's Services Division, and other government agencies and programs, have the authority to intervene in order to refer working children to counseling or support services.[2291] Under the Juveniles Act, child labor violators can be subject to a fine of JMD 50 (USD 1) or 3 months imprisonment.[2292] Enforcement of child labor laws in the informal sector is reported to be inconsistent.[2293] There are approximately 30 labor and occupational safety and health inspectors nationwide.[2294]

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[2283] ILO-IPEC, *National Programme Jamaica, project document*, 9-11. See also UNICEF, *Changing the Future*, 6.

[2284] Claudette Richardson-Pious, interview by USDOL official, May 20, 2003.

[2285] *Juveniles Act of 1951*, Part 8, Section 71.

[2286] Ibid., Part 8, Section 72. Industrial activities prohibited for children under 15 include mines, quarries, breweries, shipbuilding, and factories. See Embassy of Jamaica, *Submission to USDOL regarding Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor*, Washington, D.C., September 6, 2000, 1.

[2287] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

[2288] U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 6d.

[2289] *Criminal Code,* [database online], Articles 45, 58 (a), (c); available from http://209.190.246.239/protectionproject/statutesPDF/Jamaica-final.pdf. See also Interpol, *Legislation of Interpol member states on sexual offences against children - Jamaica,* [database online] 2003 [cited June 5, 2003]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaJamaica.asp.

[2290] There are no confirmed reports of international trafficking in children, to or from Jamaica. See U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Jamaica*, Washington, D.C., June 11 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2291] UN Committee on the Rights of the Child, *Second Periodic Report of States parties due in 1998*, CRC/C/70/Add.15, prepared by Government of Jamaica, pursuant to Article 44 of the Convention on the Rights of the Child, May 2000, para. 285; available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet.

[2292] U.S. Embassy- Kingston, *unclassified telegram no. 2589*. For currency conversion see FXConverter, in Oanda.com, [online] [cited June 9, 2003]; available from http://www.carosta.de/frames/convert.htm.

[2293] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

[2294] Alvin McIntosh, Permanent Secretary, Ministry of Labor and Social Security, Government of Jamaica, interview with USDOL official, May 20, 2003.

Acts of prostitution that involve girls under the age of 18 are punishable by up to 3 years imprisonment.[2295] There is limited information available on prosecutions or convictions for related offenses, but it is reported that since fines have not kept pace with the depreciation in the exchange rate, judges often impose criminal penalties in lieu of fines.[2296]

The Government of Jamaica ratified ILO Convention 138 and ILO Convention 182 on October 13, 2003.[2297]

[2295] *Criminal Code*, Article 58.

[2296] U.S. Embassy- Kingston, *unclassified telegram no. 2907*, October 2002.

[2297] ILO, *Ratifications by Country,* in ILOLEX, [database online] [cited November 3, 2003]; available from http://www.ilo.org/ilolex/english/newratframeE.htm.