

Jamaica

Incidence and Nature of Child Labor

The Statistical Institute of Jamaica estimated that 2.2 percent of children ages 5 to 17 years were working in Jamaica in 2002.²¹⁵¹ While child labor is not reported to be a significant problem in Jamaica's formal sector,²¹⁵² children are found working in certain sectors, notably fishing, agriculture, and tourism.²¹⁵³ More than 2,800 children live on the streets,²¹⁵⁴ and are engaged in work such as newspaper delivery, vending, and domestic service.²¹⁵⁵ Children also work as shop assistants in carpentry and mechanic shops.²¹⁵⁶ In tourist towns, children are reported to work in kitchens, hotels, and recreational and cultural activities.²¹⁵⁷

A 2001 study funded by ILO-IPEC found that children as young as 10 years old are sexually exploited and engaged in prostitution, catering to tourists.²¹⁵⁸ Young girls are hired by "go-go" clubs or massage parlors.²¹⁵⁹ Children are trafficked internally for sexual exploitation and pornography.²¹⁶⁰

²¹⁵¹ A child was considered to have worked if he/she performed any activity to earn cash or payment in kind for at least one hour during the reference week. Unpaid labor in a family business was also defined as work. Due to small sample sizes estimates should be interpreted with caution. Statistical Institute of Jamaica, Report of Youth Activity Survey 2002, June 2005.

²¹⁵² U.S. Embassy- Kingston, *unclassified telegram no. 2589*, October 2001.

²¹⁵³ 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, 7,8. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Jamaica*, Washington, D.C., Feb. 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27904.htm>.

²¹⁵⁴ UNICEF, *At A Glance: Jamaica*, [online] [cited May 7, 2004]. See also UNICEF, *Situation Analysis of Jamaican Children, update*, February 2005.

²¹⁵⁵ 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. 16; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also Government of Jamaica, *End Decade Assessment of World Summit for Children Year 2000 Goals, National Report: Jamaica*, UNICEF, New York, November 2000; available from http://www.unicef.org/specialsession/how_country/edr_jamaica_en.PDF.

²¹⁵⁶ ILO-IPEC, *National Programme Jamaica, project document*, 7-8.

²¹⁵⁷ *Ibid.*

²¹⁵⁸ ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, 13. ECPAT International notes that Montego Bay, Kingston, Port Antonia, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica*, in ECPAT International, [database online] 2004 [cited May 14, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²¹⁵⁹ ILO-IPEC, *Situation of Children in Prostitution*, 13, 14. See also ECPAT International, *Ecpat Database*.

²¹⁶⁰ U.S. Department of State, *Trafficking in Persons Report- 2004: Jamaica*, Washington, D.C., June 14 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm>.

Under the Education Act, school is compulsory for children from ages 6 to 12.²¹⁶¹ In 2001, the gross primary enrollment rate was 100.5 percent, and the net primary enrollment rate was 95.2 percent.²¹⁶² Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Approximately 80 percent of primary and 77 percent of secondary school enrollees attended school five days per week.²¹⁶³ Despite high enrollment rates, many Jamaican children fail to attend primary school regularly.²¹⁶⁴ One cause of irregular attendance is families' inability to pay school fees.²¹⁶⁵ Although schooling is free at the primary level, reports indicate that some local schools and parent teacher organizations still collect fees.²¹⁶⁶ Other reports attribute low school attendance to the lack of relevant curricula, the lack of space in schools (especially at the secondary level), and the low quality of instruction.²¹⁶⁷

Child Labor Laws and Enforcement

The Child Care and Protection Act of 2004 prohibits the employment of any child under the age of 13. Children ages 13 to 15 years are limited to work in a prescribed list of occupations, as maintained by the Minister of Labor. However, night work, industrial work, and work that is hazardous or interferes with education is prohibited.²¹⁶⁸ Forced labor is not specifically banned.²¹⁶⁹ The Criminal Code prohibits procuring a girl under 18 years of age for the purposes of prostitution. Acts of prostitution that involve girls under the age of 18 are punishable by up to 3 years imprisonment.²¹⁷⁰ There is limited information available on prosecutions or convictions for offenses related to prostitution, 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.²¹⁷¹

The Criminal Code prohibits procuring a woman or girl to leave the island for work in prostitution.²¹⁷² The Child Care and Protection Act of 2004 prohibits the sale or trafficking of any child; however, the term

²¹⁶¹ UNESCO, *Index of Education Systems: Jamaica*, UNESCO, [cited May 14, 2004]; available from <http://www.unesco.org/iau/cd-data/jm.rtf>. See also U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 5.

²¹⁶² World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²¹⁶³ UNICEF, *Situation Analysis, update 2005*.

²¹⁶⁴ UNICEF, *Changing the Future for Jamaica's Children*, Kingston, August 1999, 5.

²¹⁶⁵ U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 5.

²¹⁶⁶ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

²¹⁶⁷ ILO-IPEC, *National Programme Jamaica, project document*, 9-11. See also UNICEF, *Changing the Future*, 6.

²¹⁶⁸ *The Child Care and Protection Act*.

²¹⁶⁹ *Juveniles Act*. See also U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 6c.

²¹⁷⁰ *Criminal Code*, [database online], Article 58; available from <http://209.190.246.239/protectionproject/statutesPDF/Jamaica-final.pdf>.

²¹⁷¹ U.S. Embassy- Kingston, *unclassified telegram no. 2907*, October 2002.

²¹⁷² *Criminal Code*, Articles 45, 58 (a), (c). See also Interpol, *Legislation of Interpol member states on sexual offences against children - Jamaica*, [database online] 2003 [cited March 25, 2004]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csajamaica.asp>.

“trafficking” is not defined, resulting in difficulty enforcing the statute.²¹⁷³ Assault, immigration, or customs laws may also be applied to prosecute cases of child trafficking.²¹⁷⁴

Inspectors from the Children’s Services Division within the Ministry of Labor are responsible for enforcing child labor laws, and have the authority, along with other government agencies and programs, to provide working children with counseling or support services.²¹⁷⁵ Under the Juveniles Act, child labor violators can be subject to a fine of JMD 67 (USD 1.10) or 3 months imprisonment.²¹⁷⁶ Enforcement of child labor laws in the informal sector is reported to be inconsistent.²¹⁷⁷ There are approximately 30 labor and occupational safety and health inspectors nationwide.²¹⁷⁸

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

In 2004, the Government of Jamaica in cooperation with ILO-IPEC concluded a 3-year USDOL-funded national program on child labor.²¹⁷⁹ The National Steering Committee for the Protection of Children, in conjunction with the ILO-IPEC program, is in the process of collecting information and coordinating an approach to address the child labor problem.²¹⁸⁰ The government is also providing support to NGOs that are working on child labor issues.²¹⁸¹

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 10/13/2003	✓
Ratified ILO Convention 182 10/13/2003	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.²¹⁸² The government and the World Bank continue to implement a Social Safety Net Program, which includes a child assistance component that

²¹⁷³ *The Child Care and Protection Act*. See also U.S. Department of State official, electronic communication to USDOL official, May 24, 2005.

²¹⁷⁴ U.S. Department of State, *Country Reports- 2003: 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>.

²¹⁷⁵ UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Jamaica*, para. 285.

²¹⁷⁶ U.S. Embassy- Kingston, *unclassified telegram no. 2589*. For currency conversion see FXConverter, in Oanda.com, [online] [cited May 7, 2004]; available from <http://www.carosta.de/frames/convert.htm>.

²¹⁷⁷ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

²¹⁷⁸ Alvin McIntosh, Permanent Secretary, Ministry of Labor and Social Security, Government of Jamaica, interview with USDOL official, May 20, 2003.

²¹⁷⁹ ILO-IPEC, *National Programme Jamaica, project document*, 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.

²¹⁸⁰ U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 6d.

²¹⁸¹ Children First and Western Society for the Upliftment of Children received land from the government for permanent facilities. In addition, the Ministry of Labor formed a group of NGOs working on child labor to develop a plan to address the problem. See ILO-IPEC, *Technical Progress Report, National Programme for the Prevention and Elimination of Child Labor and SIMPOC Survey*, technical progress report, JAM/01/P50/USA, Geneva, March, 2004, 4.

²¹⁸² U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

provides grants to at-risk families in order to keep children in school.²¹⁸³ 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.²¹⁸⁴

²¹⁸³ The program is intended to close in December 2005. See 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/2001/09/01/00009494601081704011663/Rendered/PDF/multi0page.pdf>.

²¹⁸⁴ *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>.