REPORT

For the period ending August 31, 2012

Made by the Government of JAMAICA

In accordance with Article 22 of the Constitution of the International Labour Organization on the Measures taken in effect to the provisions of the

WORST FORMS OF CHILD LABOUR CONVENTION, 1999, (No.182)

Ratification of which was registered on October 2003

REPLY TO OBSERVATION 2010 AND DIRECT REQUEST 2010

Article 3

In 2011, JAMAICA amended its Constitution and enacted a Charter of Rights which now makes specific reference to the protection of children. Thus, the Jamaican Constitution now states that it is the right of every child who is a citizen of Jamaica to be protected and have access to education by way of publicly funded tuition in public educational institutions at the pre-primary and primary levels.

INTERNATIONAL AND LEGISLATIVE PLATFORM

Jamaica has now signed onto the following Protocols:

CONVENTIONS	Protocols	Remarks
CRC	Optional Protocol on Armed Conflict	YES
CRC	OPTIONAL PROTOCOL ON THE SALE OF CHILDREN,CHILD PROSTITUTION AND CHILD PORONOGRAPHY	YES
UN CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME	PALERMO PROTOCOL ON TRAFFICKING IN PERSONS	YES

In an attempt to modernize the laws relating to sexual offences, *The Sexual Offences Act 2009* repeals the Incest Punishment Act. Currently, the Jamaican Parliament is debating two Bills, namely, the *Rape (Amendment) Bill and Incest (Punishment) (Amendment) Bill*. These aim, among other things, at increasing the penalty for incest and will widen the categories of prohibited relationships.

SEXUAL OFFENDERS REGISTRY

The Sexual Offences Act also makes provision for the establishment of a Sexual Offences Registry. It is reported that the Registry "is ready" but is not functional because of administrative difficulties on the part of the Court in supplying the names and details of perpetrators. The Department of Correctional Services is responsible for the operationalisation of the Registry. It was also reported that the advice of the Attorney General has been sought to clarify certain aspects of the Act. It is expected that when the advice is obtained, the Sexual Offenders' Register and Registry will become functional. This is particularly critical at this time when the cases of sexual crimes against children are increasing.

It is an offence to procure any person for the use of prostitution. The Offences against the Person (Amendment) Act 2009, sections 45, 48, 50, 51, 60 and more specifically section 64, prohibits encouraging prostitution of a child under 16. Section 65 of this Act prohibits any person under 16 from being in a brothel.

While the enactment of the Incest (Punishment) (Amendment) Bill is awaited, instructions for the drafting of the Evidence (Amendment) Bill are with the Chief Parliamentary Counsel. When passed, the Evidence Act will facilitate the "admissibility of evidence in Criminal and Civil proceedings by way of television links and removal of certain procedural requirements for the admissibility of computer-generated evidence in proceedings". It is expected that with the passage of this piece of legislation secondary trauma experienced by children will be reduced and there will be more vigorous prosecution and conviction of perpetrators. The Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) has reported that for the month of May, 55 persons were arrested on charges of sexual abuse.

As a part of the TACKLE Project a **CHILD LABOUR LEGISLATIVE GAP ANALYSIS** was conducted in March 2012. As part of its conclusion and key findings it was noted that there was adequate law with adequate enforcement as well as adequate law with inadequate enforcement. It was suggested that where there are gaps within the law other initiatives could be employed to address this problem.

Clause (c)

Plans of Action and other Initiatives aimed at addressing Commercial Sexual Exploitation and Child Labour:

MINISTRIES, DEPARTMENTS AND AGENCIES	PLANS OF ACTION/INITIATIVES	REMARKS
Ministry of Labour and Social Security	**National Plan of Action on Child Labour** **Tackling Child Labour through Education(TACKLE)**	**Draft National Policy on Child Labour- February 2012** **OSH ACT reviewed and to be placed on the Legislative Agenda of the Ministry of Labour and Social Security (MLSS) for 2012-1013**
Child Development Agency	**National Framework of Action for Children**	**To be submitted to Cabinet Human Resource Council for endorsement -2012**
	National Plan of Action for an Integrated response to Children and Violence	**National Consultation to take place**
Ministry of Justice	**National Plan of Action for Child Justice**	**Under review by stakeholders**
Ministry of National Security	**National Plan of Action for Combating Trafficking in Persons**	**Donor funding is being sought to assist with the implementation of this plan 2012-2015**
	Community Renewal Programme(National Crime Prevention and Community Safety Strategy(NPCSS)	
	Citizens Security and Justice Programme(CSJP)	

Article 7(2)

The Trafficking in Persons Act 2009 is to be reviewed to allow for:

a. Stiffer penalties for offenders commensurate with the grievous nature of the crime;
b. Establishment of lesser offences such as conspiracy;
c. Restitution of victims;
d. Mandatory reporting responsibility on persons to bring to the attention of the relevant authority, any known or suspected cases; and
e. Sentencing guidelines

Efforts are being made to ensure that Government shelters are made available for victims of trafficking in persons. This has been included in a new Plan of Action to Combat Trafficking in Persons 2012-2015. The Plan was developed in May 2012 and is to be endorsed by the Cabinet. It is proposed that support for funding be sought from the country's International Development Partners. It is hoped that for the next three years national capacity could be strengthened to address the issue of human trafficking with this funding support.

Jamaica has now ratified the CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

The Centre for Investigation of Sexual Offences and Child abuse (CISOCA), an arm of the Jamaica Constabulary Force (JCF), and the Office of the Children's Registry are reporting an increase in the number of cases of child abuse, as indicated before. This increase in reports could be attributed to more assertive efforts on the part of all agencies working in this area to inform the public of the requirements of the law concerning child abuse.

Increased reporting of instances of child abuse has also been facilitated by support from the country's major telecommunication providers. Recently, a new Smartphone application has been developed to allow persons to report suspected cases of child abuse by using the cellphone. This Child Abuse Reporting System can be accessed by cellphone users. Also, a Social Worker from the Child Development Agency is now assigned to CISOCA to allow for greater speed and precision in the processing of cases.

The Office of the Children's Registry (OCR) has also been engaged in a series of public education exercises concerning work on the prevention of child abuse.

Although the number of reported cases of child abuse has increased , this is not reflected in the number of cases brought before the courts. Currently, however, a number of cases are in the courts at various stages of the court process

It is proposed for 2012/2013 that work should commence for a study to be commissioned to assist in identifying the nature, scope and manifestations of the problem in Jamaica. The last such study was conducted in 2007.

In the meantime, the Ministry of Justice has launched a programme entitled Children in Court-Court Prep Programme. This programme was launched in association with CUSO International and the United Nations Children's Fund. It is aimed at building capacity of both staff and volunteers to address the unique needs of children when they are in Court. Persons will also be trained to assist in grief management techniques and to provide support in counseling sexually traumatized victims.

At the end of the programme it is expected that 100 persons will be trained to provide support for 400 children. From the six pilot projects, persons will be better equipped to assist children to go through the court process by the use of resource kits including model courthouses and therapeutic play material. It is hoped that this will help to address some of the needs highlighted by children who have gone through the court process.

With this programme, it is also hoped persons will become conversant with the requirements for proceeding with a case and will do their part to ensure that perpetrators can be brought before the Courts and successfully prosecuted.

Article 6 Programme of Action.

It still expected that the 2nd Child Labour Survey will be conducted to assist in assessing the impact of various initiatives taken to address the social and economic plight of the nation's children. It can be gleaned from reports of International Partners that the problem is still very significant despite efforts to tackle it. Hence, it is important to have the survey conducted to lessen reliance on anecdotal information.

The Ministry of Labour and Social Security continues to implement the Programme for Advancement through Health and Education (PATH). This programme continues to be the flagship programme for Social Protection. As of June 2012, 405,587 beneficiaries were registered on the programme with an expenditure of over JMD $1 billion. It is expected that, through international competitive bids, a consultant firm will be selected to conduct an impact evaluation of the programme. In an effort to improve the welfare of families, the programme will be partnering with a Non-governmental Organization to provide social housing to the value of JMD$20M.

Another aspect of the programme is the Steps-to-Work initiative designed to promote economic self sufficiency of poor households. Since its implementation, several families have been weaned from the programme because they have successfully established small to medium enterprises with

Entrepreneurship Grants given under the programme. Partner agencies have been engaged to provide them with training and other relevant interventions to ensure their growth and development.

Special Youth Employment and Training

The Ministry of Labour and Social Security continues to implement the Special Youth Employment and Training Programmes. For the financial year 2011-12, 2,500 persons have been trained; of this number 1,500 have been placed in employment. This programme was bolstered by the introduction of the Jamaica Emergency Employment Project (JEEP).

This short term intervention programme is geared towards providing emergency employment for unemployed youth. To date, 350 trainees have been placed in various place of work. It is hoped that some of these opportunities will become permanent employment.

The Ministry continues to conduct workplace inspections. For 2012, 489 factories inspections, 47 building inspections, 65 ship inspections, 5 dock inspections took place. No incidence of child labour was identified. The passage of the new Occupational Safety and Health Act is awaited. It is expected that the Regulations to be contained therein will provide support for the Draft National Policy on Child Labour to be submitted to Cabinet for approval.

Child Protection Database

A Child Protection Database was recently launched. This web-based data site provides the public with summary data on issues affecting children in Jamaica. It will be a central data repository as well as a conduit to facilitate data-sharing both locally and internationally. More importantly, it will also assist in monitoring the plans of action for children. This project is funded jointly by UNICEF and the Government of Jamaica. The Monitoring Committee is chaired by the Child Development Agency (CDA). The website can be examined at www.jamstats.gov.jm.

Regional Child Protection Committee

The Terms of Reference of the Regional Child Protection Committee are to:

- monitor and coordinate inter-agency child protection work;
- develop and implement child protection strategies across and between agencies;
- conduct awareness-raising sessions;
- review policies and procedures that ensure the protection of the Jamaican child;
- monitor service delivery;
- ensure that mechanisms are established to give voice to children, parents and members of the public to address issues of maltreatment.

This structure is under examination by the Planning Institute of Jamaica and formal arrangements are yet to be developed. There is a broad agency working committee that is meeting to ensure implementation.

The Child Development Agency is currently in the process of establishing Child Protection Committee across the island. To date, two committees have be launched. The CDA is a member of the PIOJ Working Group and careful steps are being made to ensure that services are not duplicated.

References:

Economic and Social Survey

Ministry of Labour and Social Security Quarterly

Ministry of Justice Website (www.moj.gov.jm)

Trafficking in Persons Report 2012

Newspaper articles

RESPONSE TO REPORT FORM (C182)

Article 3 of the Convention. Worst forms of child Labour.

Clause (a). The Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007, the Sexual Offences Act, 2009 is now fully enacted. This piece of Legislation now addresses Sexual Offences against Children and any Indecent assault against them. Section 29 makes provision for a Sex Offender Register and Registry.

Article 4, paragraph 1 - Determination of hazardous work. The draft list attached, if not reviewed before the enactment of the New Legislation will be included in the regulations.

DRAFT

HAZARDOUS CHILD LABOUR

LIST OF HAZARDOUS WORK PROHIBITED FOR CHILDREN

Child Labour Situations		
	Visible	**Invisible**
Concentrated	**Child Labour concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside.** • **Fishing – going out to sea; scaling and cleaning, diving without protective gear;** • **Transport of passengers and goods** • **Windshield wipers** • **Hanging around the ports** • **Agricultural sector – handling insecticides, heavy equipments etc.** • **Garages and workshops, e.g. woodwork shops** • **Roadside cook shops**	**Children in these situations work together or near each other, but cannot be seen or are inaccessible to outsiders.** • **Construction sites** • **Tending animals on farm** • **Ganja cultivation** • **Dough break operator** • **Electrical installation** • **Vending in traffic** • **Pet grooming**
Dispersed	**These children work alone and are, or may appear to be, self-employed.** • **Itinerant vending** • **Working in the entertainment sector – massage parlours, dancers** • **Begging on the streets**	**These are the children most unknown and hardest to reach; they work in remote areas, isolated and powerless.** • **Working as part of family performing household duties** • **Illicit activities – concealing weapons in school bags, putting them through grills and windows, smuggling, prostitution and pornography** • **Guarding ganja fields/ganja cultivation** • **Sexual exploited children**

Child Labour Situations		
	Visible	**Invisible**
Concentrated	**Child Labour concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside.** • **Metal workers** • **Woodworkers** • **Car washers** • **Supermarket helpers** • **Handcart pushers** • **Agriculture workers** **Vegetables** **Coffee** **Sugar cane** • **In family production** • **Fishing (diving/scaling)** • **Professional beggars**	**Children in these situations work together or near each other, but cannot be seen or are inaccessible to outsiders** • **Construction sites** • **Broom makers** • **Straw craft workers**
Dispersed	**These children work alone and are, or may appear to be self-employed** • **Selling food to passers by** **Snacks** **Hot food** • **Delivery boys, messengers** • **Providing services or goods on the street** • **Entertainers** • **Massage parlors** • **Exotic dancers** • **Helpers on long distance transport** **Loaders** **Side boys**	**These are the children most unknown and hardest to reach; they work in remote areas, isolated and powerless** • **Dressmakers** • **Domestic servants** • **Children recruited in gang violence** • **Children involved in stealing, pick pockets, smuggling, drug industry or pornography** • **Sexually exploited children**

Article 5 - Monitoring Mechanisms

The Child Labour Unit continues to collaborate with the Jamaica Constabulary Unit and, in particular, the Trafficking in Persons (TIP) Unit. From time to time, the Unit assists in facilitating referrals for victims trying to access services offered by the Ministry of Labour and Social Security. This is now being done on a very informal and *ad hoc* basis. It is envisioned that a more formal system will be in place following a series of training sessions being organized by the JCF TIP Unit and the National Task Force on Trafficking in Persons, along with the Ministry of National Security.

Article 6. Programmes of Action:

The Ministry of Labour and Social Security (Child Labour Unit) continues to represent the Ministry on the National Task Force Against Trafficking in Persons and is very active on the Public Relations Sub-Committee. This collaboration assists in strengthening the work done by the unit to sensitize the public on issues surrounding child labour. It facilitates the dissemination and distribution of the Unit's public information material. Presentations on Child Labour are also included in the Public Education Package. Child Labour has many faces and the Unit has been working with the Office of the Children's Registry to identify the possible offences that can be categorized as child labour. This is to ensure that when reports are received they are properly classified.

Jamaica has now embarked on an awareness campaign and has been employing the electronic media to educate the general public on child labour and how to prevent and eliminate the practice.

A Public Service Announcement video was produced and launched.

A Memorandum of Understanding (MOU) for the TACKLE Programme was signed with the Ministry of Education for a more structured approach to be taken to include issues of child labour in the Ministry's operational plan. We are yet to realize the objectives outlined. Discussions are ongoing and it is hoped that the objectives outline in the MOU will be met.

While child labourers are not the direct targets, the Ministry continues to develop programmes to address the needs of children who are under-achievers and are at risk of becoming child labourers because they cannot qualify to continue into higher education. One such programme was the Expanding Educational Horizon Project implemented with USAID. It was aimed at improving literacy and numeracy skills among students in seventy one primary schools and six Non-governmental Organizations (NGO). It targeted children between the ages of 6 and 12 years old in the formal school-based system. The NGOs targeted at risk children between 10-18 years of age. Their approach was based on non-formal interventions, including remedial education. There is direct support to the Guidance and Counseling Unit with information on child labour for dissemination at various fora.

The Unit was invited to be a part on the Multi-Sectoral Advisory Committee established to advise the Children's Advocate on matters relevant to children and their welfare. The Office of the Children's Advocate also disseminated information on child labour as part of their public education programme.

Article 7, paragraph 2. Effective and time-bound measures. Clause (a). Prevent the engagement of children in the worst forms of child labour.

A wide range of projects has been put in operation to address the needs of the Jamaican child and especially children at risk. However, what does not seem to be evident is any assessment or continued evaluation on the impact that these programmes are having on the children.

Clause (b). Providing the necessary and appropriate assistance for removal of children from the worst forms of child labour and for their rehabilitation and social integration. Child victims of prostitution.

The Office of the Children's Registry (OCR) is reporting a dramatic increase in complaints for 07/11. It received over 7,250 reports of child abuse and neglect. Since its inception it has received in excess of 25,000 reports. The reports are classified and sent to the Child Development Agency (CDA) and Office of the Children's Advocate (OCA) for the appropriate action to be taken. For the reporting period 2010/2011, the CDA is reporting over 2,000 cases of Sexual Abuse; the OCA during the same period referred several cases to the Centre for Investigation of Sexual Offences and Child Abuse (CISOCA). Medical assistance and counseling are usually given to the victims. They are either allowed to be conditionally returned to schools while the matter is investigated or provided with state care until the matter is settled. Persons have been successfully convicted under the Trafficking in Persons Act for various offences against children.

The Ministry of Justice is currently working on finalizing a National Child Diversion Policy, which is part of a greater Child Justice Reform Programme. The policy emanates from the National Plan of Action for Child Justice. The policy aims to promote restorative justice. Strategic Objective 4 speaks to Promotion, rehabilitation and reintegration of children.

Clause (d). Identify and reach out to children at special risk. Street Children.

A national survey on street and working children is needed urgently to assist in guiding policy and developing programmes of action to address the issue. The Child Development Agency is actively seeking funding for a proposal to undertake such a study. Interventions in this area are supported by

the NGO community and by government programmes such as the Youth Empowerment Strategy (YES). To date, the programme has assisted a number of beneficiaries in providing them with financial assistance to pay tuition fees or for small business ventures.

The Special Youth Employment and training project (SYEAT) provides training and employment opportunities among youth. Training and employment of many of these youths have been taking place.

The Young Men's Christian Association (YMCA) continues to provide remedial education and pre-vocational training in the areas of food preparation, garment construction, information technology and welding.

The Youth Development Programme was recently introduced with funding from the Inter- American Development Bank (IDB). With this programme unattached youth will be assisted to make the transition to adulthood and the world of work. Activities will include a national youth survey and the expansion of the number of Youth Information Centres which are led by Youth Empowerment Officers who guide interventions .

Copies of this Report have been sent to the following organizations:

- The Jamaica Employers Federation (JEF)
- The Jamaica Confederation of Trade Unions (JCTU)
- Office of the Children's Registry (OCR)

MINISTRY OF LABOUR & SOCIAL SECURITY

KINGSTON

JAMAICA, W.I.

September 4, 2012