



## **EMBASSY OF JAMAICA**

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January 8, 2013

Ms. Marcia Eugenio  
Director  
Office of Child Labor, Forced Labor and Human Trafficking  
U.S. Department of Labor  
Bureau of International Labor Affairs  
Washington D.C. 20210

Dear Director,

With reference to your letter to me, dated December 14, 2012, enclosed please find the "Response of the Government of Jamaica to the Findings of the 2011 Report of the US Department of Labour on the Worst Forms of Child Labour Pertaining to Jamaica."

Kindly note that the Government of Jamaica wishes to have your proposed deadline for certain information, set at January 15, 2013, postponed to February 1 (see Section D of the Response).

Thank you for your kind consideration. If you have any questions or comments, please do not hesitate to contact me at [svasciannie@jamaicaembassy.org](mailto:svasciannie@jamaicaembassy.org) or at 202-452-0660.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Vasciannie'.

Stephen Vasciannie  
Ambassador

# **RESPONSE OF THE GOVERNMENT OF JAMAICA TO THE FINDINGS OF THE 2011 REPORT OF THE US DEPARTMENT OF LABOUR ON THE WORST FORMS OF CHILD LABOUR PERTAINING TO JAMAICA.**

## **INTRODUCTION**

The Government of Jamaica is committed to addressing Child Labour in Jamaica. In keeping with this commitment, a Message to mark the observance of the World Day against Child Labour was made by the Government of Jamaica in 2012 at the level of the Most Honourable Prime Minister. Efforts also continue to be made to reduce the incidence of child labour, including through the enactment of a National Parenting Support Commission Act and the establishment of Child Protection Committees in three pilot parishes (St. Catherine, St. James and Clarendon) to conduct dip stick surveys to identify those children at risk of engaging in child labour and those already involved in child labour. The survey will seek specifically to identify such children and their location. In addition, there are several public education programmes which are jointly undertaken by several agencies including the Child Development Agency, the Office of the Children's Advocate and the Office of the Children's Registry. Of note is the fact that a banner has been placed on the website of the Jamaica Information Service underscoring that child labour is an abuse of our children's human rights and providing a contact number for persons to report incidences of child labour. In addition, the Government, in conjunction with social partners, such as the Jamaica Employers Federation (JEF) and the Trade Unions, has continued to highlight the issue. In this context, in 2012, a domestic workers association convened a sensitisation workshop on child labour as it relates to domestic work in four communities<sup>1</sup>.

### **A. ISSUES OF CONCERN**

Among the concerns raised in the 2011 report, which should be taken into account in the preparation of the 2012 report are the following:

- Information contained in the report appears to be based largely on anecdotal evidence. This includes the information contained on page 315 of the 2011 report which made reference to children serving as drug and gun carriers and issues related to child sex tourism.
- As it relates to the issue of children being involved in the execution of financial scams, it is to be noted that steps are being taken by the Government of Jamaica to mitigate these scams, including the establishment of a national Task Force and cooperation with INTERPOL. Efforts are also underway to draft the requisite legislation to address this issue.
- There is need for clarification on the standard being used to define child labour. Jamaica has a preference for the use of a treaty definition, specifically that of the 1930 ILO Convention on Forced Labour and the 1957 ILO Convention on the

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<sup>1</sup> These are Buff Bay In Portland, Denham Town in Kingston, Rocky Point in Clarendon and Old Harbour in St Catherine

Abolition of Forced Labour. A review is currently being undertaken by Jamaica as it pertains to the ratification of these Conventions in the near future.

- With regard to the information on page 316 of the 2011 report, there is a concern with the reference to forced labour as not prohibited under Jamaican law. In this respect, it is to be noted that Article 33 of the Child Care and Protection Act prohibits child labour and the Trafficking in Persons Act prohibits keeping a person in a state of slavery or servitude and compelling or causing a person to provide forced labour. Further, given our history of slavery and colonialism, forced labour is not condoned by Jamaica.

## **B. ISSUES WHICH SHOULD BE UPDATED**

- Line 11 in the Introduction to the 2011 report should be revised as follows:  
“... and passed in April 2011 a ~~bill~~ the Charter of Fundamental Rights and Freedoms which amended Section III of the Constitution to guarantee free public primary and pre-primary education”.
- Efforts made by the Government of Jamaica to address child pornography include the enactment of the Child Pornography Act and the Cyber Crimes Act;
- Information contained on page 317 of the 2011 report vis-à-vis trafficking raids and investigations should be amended as follows:  
  
“For the period April 2012 to November 2012 the Jamaica Constabulary Force Organized Crime Investigation Division Trafficking in Persons Unit conducted two hundred and five (205) raids compared to thirty-two (32) for the previous reporting period and arrested four persons.”
- Information on page 317 concerning shelters is also inaccurate. It is to be noted that the Government of Jamaica has refurbished one shelter which is not yet operationalized.
- The information on compulsory education on page 317 should also be amended. It is to be noted that a Compulsory Education Policy is in place. It is designed to ensure that all children/adolescents 3-18 years attend educational and training institutions. One component of the policy is the Career Advancement Programme (CAP) which will provide 16-18 year-old students with two additional years of schooling, after completing Grade Eleven.

**C. JAMAICA'S REPOSE TO THE ACTIONS PROPOSED BY THE US DEPARTMENT OF LABOUR WHICH WOULD ADVANCE THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR IN JAMAICA**

- The Occupational Safety and Health Act, including the list of hazardous occupations prohibited to children under age 18 and the list of light work activities permitted for children aged 13 and 14, is to be moved up the legislative calendar so as to allow for early consideration by the Parliament.
- With regard to the suggested actions to adopt legislation to prohibit all forms of child labour and legislation to prohibit procuring or offering a child for illicit activities, including drug trafficking and production, it should be noted that Jamaica is governed under the common law system, where legislation is subject to interpretation by the courts. As such, the courts will interpret the relevant legislation to determine how a child or any other individual will be dealt with under the Child Care and Protection Act and the Dangerous Drugs Act.
- The Child Care and Protection Act is currently under review and will address in more detail the issue of child labour.
- In terms of policies, a National Policy on Child Labour has been drafted and is now the subject of consultations with all relevant stakeholders. It should also be noted that a Compulsory Education Policy which is designed to support the mandatory engagement of all children between the ages of 3 to 18 years in a meaningful learning process and in a structured and regulated setting has been approved by the Cabinet. The policy addresses the regular attendance at learning institutions for all children as well as exposure to both academic and vocational programmes at the secondary level.

As for the collection of child labour statistics, it is acknowledged that a new survey needs to be done as the last survey was completed in 2000. However, the Government will need technical and other assistance to conduct such a survey. As indicated above, Child Protection Committees have been established in three pilot parishes (St. Catherine, St. James and Clarendon) to conduct a dip stick survey to identify children at risk of engaging in child labour and those who are already involved in child labour.

- With regard to the suggestion that the child labour baseline surveys under the TACKLE Programme should be implemented, it is to be noted that this has already been completed.
- As it relates to ensuring that crime hotline and government support to shelters are sufficiently funded and staffed, efforts are on-going in this regard. The GOJ has a dedicated shelter for TIP victims, which has been renovated to ensure the integrity

of the physical structure. The shelter is being made ready for occupancy to facilitate the immediate utilization of the shelter, when necessary.

- The PATH Programme is geared towards reducing the level of child poverty. The fact that the programme deals with children in a family setting means that the programme cannot be broadly applied to reach potential victims of child labour or those who are already child labourers who are not within a family setting.
- Despite the precarious financial situation which has been further impacted by Jamaica's categorisation as an upper middle income country, the Government has been able to lend some assistance in the form of monthly support to social programmes implemented by various NGO's, including Children's First and the Western Society for the Upliftment of Children. In addition the Government provides support to the Possibility Programme which is a re-socialisation project targeting street boys 14 years and over in Kingston and St. Andrew. This support is used to pay staff and to maintain the hostel for the boys.

#### **D. OTHER**

- The US Department of Labour has requested completion of a questionnaire by 15<sup>th</sup> January, 2013.
- Jamaica would like to request more time to complete the questionnaire as it is unlikely to be able to adhere to the deadline given. Jamaica would therefore like to request consideration of submission of the questionnaire by 1<sup>st</sup> February 2013.

IOD  
January 2013