



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the combined initial and second periodic reports of Jamaica\*

1. The Committee considered the situation in Jamaica with respect to the implementation of the Convention at its 596th and 597th meetings,<sup>1</sup> held on 9 and 10 April 2025. On the basis of the replies to the list of issues prior to the submission of its combined initial and second periodic reports,<sup>2</sup> which the Committee received just before the 597th meeting, the oral replies received from the delegation of the State Party and information from, inter alia, United Nations specialized agencies and other bodies, the Committee adopted, at its 608th meeting, held on 17 April 2025, the concluding observations set out below.

#### A. Introduction

2. Jamaica ratified the Convention on 25 September 2008. The State Party had been under an obligation to submit its initial report under article 73 (1) of the Convention by 1 January 2010. In the absence of the report, in accordance with rule 31 bis of the Committee's rules of procedure at the time,<sup>3</sup> at its twenty-third session, held from 31 August to 9 September 2015, the Committee adopted a list of issues prior to the submission of the initial report,<sup>4</sup> which was transmitted to the State Party on 29 September 2015.

3. Since the State Party did not submit a reply to the list of issues, which would have constituted its report under article 73 of the Convention, the Committee proceeded to review the implementation of the Convention in the State Party in the absence of a report and adopted concluding observations on Jamaica at its twenty-sixth session, held from 3 to 13 April 2017,<sup>5</sup> on the basis of information that was available to the Committee.

4. In its concluding observations, the Committee requested the State Party to submit its combined initial and second periodic reports by 1 May 2019. Since the State Party had not submitted its combined initial and second periodic reports within the deadline, despite repeated formal and informal reminders, the Committee decided to adopt, during its intersessional period, a list of issues prior to the submission of the combined initial and second periodic reports, pursuant to rule 34 of its rules of procedure.<sup>6</sup>

\* Adopted by the Committee at its fortieth session (7–17 April 2025).

<sup>1</sup> See [CMW/C/SR.596](#) and [CMW/C/SR.597](#).

<sup>2</sup> [CMW/C/JAM/1-2](#).

<sup>3</sup> [A/67/48](#), para. 26.

<sup>4</sup> [CMW/C/JAM/QPR/1](#).

<sup>5</sup> [CMW/C/JAM/CO/1](#).

<sup>6</sup> [CMW/C/2](#).



5. The Committee notes with concern that the State Party submitted its replies to the list of issues<sup>7</sup> that would have constituted its report under article 73 of the Convention only for the 597th meeting of the Committee, despite numerous reminders, and that they were apparently prepared in reply to the previous list of issues.<sup>8</sup> The Committee also notes with concern that the State Party's factual information about the country submitted in accordance with the treaty-specific harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document,<sup>9</sup> dates back to 6 January 1997.<sup>10</sup> The Committee considers that the State Party's failure to honour its reporting obligations under the Convention amounts to a breach of article 73 and reminds the State Party that, under that article and rule 34 of its rules of procedure, it is mandatory to present its report within the deadlines and in any event before the constructive dialogue. It wishes to impress upon the State Party that non-compliance with its reporting obligations creates serious obstacles to the effective functioning of the mechanism set up to monitor the implementation of the Convention.

6. Following the transmission of the list of issues by note verbale dated 23 April 2021, with a deadline of 1 March 2022 for the replies by the State Party, as well as informal reminders, the State Party was notified by notes verbales dated 10 October 2024 and 10 February 2025 of the Committee's procedure regarding the non-submission of replies to the list of issues, in accordance with rule 34 of its rules of procedure, and with respect to reviewing the implementation of the Convention by a State Party in the absence of a report and/or a delegation. In this regard, the Committee proceeded to review the implementation of the Convention in the State Party in the absence of a report, on the basis of the written replies by the State Party to the list of issues, the answers provided by the delegation of the State Party to questions posed by the Committee members during the constructive dialogue between the Committee and the State Party delegation and other information that was available to it.

7. The Committee notes with appreciation the information provided during the dialogue held with the delegation, which was headed by the Chargé d'affaires a.i. of the Permanent Mission of Jamaica to the United Nations Office and other international organizations in Geneva and comprised representatives of the Ministry of Labour and Social Security and the Ministry of National Security, as well as an official from the Permanent Mission of Jamaica.

8. The Committee appreciates the open and constructive dialogue held with the delegation, the information provided by the representatives of the State Party and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee is also grateful for the efforts made by the State Party to submit replies and additional information within 24 hours of the dialogue. The Committee, however, regrets the extensive delay in the submission of the combined initial and second periodic reports, which were received in the morning of 10 April 2025. This did not allow sufficient time for translation into the working languages of the Committee, and the replies were therefore not available for due consideration, which creates an obstacle for the stakeholders for the enjoyment of their rights under the Convention.

9. The Committee recognizes that Jamaica, as primarily a country of origin of migrant workers and their families, but also a country of transit and destination, in particular from Caribbean countries, has made some progress in protecting the rights of its nationals abroad and of foreign migrant workers and members of their families in the State Party. However, the Committee notes that the State Party faces a number of challenges to the protection of the rights of both migrant workers and members of their families within the territory or under the jurisdiction of the State Party and abroad.

10. The Committee notes that some of the countries in which Jamaican migrant workers are employed, in particular in North America, Europe and the Caribbean, are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of

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<sup>7</sup> [CMW/C/JAM/QPR/1-2](#).

<sup>8</sup> [CMW/C/JAM/QPR/1](#).

<sup>9</sup> [HRI/GEN/2/Rev.6](#).

<sup>10</sup> [HRI/CORE/1/Add.82](#).

their rights under the Convention. The Committee also notes that the migratory processes in the State Party comprise intraregional and interregional movements, mainly in the direction of North America and Europe, and that the migrant population is predominantly from Cuba, Haiti, North America and States of the Commonwealth.

## **B. Positive aspects**

11. The Committee welcomes the efforts that the State Party has made to promote and protect the rights of Jamaican migrant workers and members of their families abroad throughout the process of implementing “Vision 2030 Jamaica: National Development Plan” and in line with the 2030 Agenda for Sustainable Development, including by strengthening the economy and combating poverty and inequality, which are among the main drivers of emigration and cause a significant brain drain, in particular to Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

12. The Committee notes with appreciation that Jamaica is a party to the fundamental conventions of the International Labour Organization (ILO) and that it ratified the ILO Domestic Workers Convention, 2011 (No. 189), in 2016, and endorsed the Declaration on Migration and Protection in 2022.

13. The Committee welcomes the amendments to the Trafficking in Persons (Prevention, Suppression and Punishment) Act in 2018 and 2021.

14. The Committee also welcomes the following institutional and policy measures:

- (a) The Medium-Term Socio-Economic Policy Framework 2021–2024;
- (b) The National Diaspora Policy of 2019, updated in 2022;
- (c) The National Plan of Action 2018–2021 for Combatting Trafficking in Persons, in 2018, extended to 2022;
- (d) The National Policy on International Migration and Development of 2017, referring to, among other instruments, the Convention and the Jamaican Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, which contains a bill of rights enjoyed also by migrant workers and members of their families.

15. The Committee views as positive that the State Party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, endorsed by the General Assembly in its resolution 73/195. The Committee also views as positive the State Party’s participation in the regional review for the Latin American and Caribbean region on 19 and 20 March 2025. It regrets, however, that the State Party did not submit voluntary inputs to the regional review.

**16. The Committee recommends that the State Party continue to make efforts to implement the Global Compact for Safe, Orderly and Regular Migration within the framework of its international obligations contained in the Convention and other international human rights instruments, in accordance with the Committee’s general comment No. 6 (2024) on the convergent protection of the rights of migrant workers and members of their families through the Convention and the Global Compact for Safe, Orderly and Regular Migration.**

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation (arts. 73 and 84)**

#### **Legislation and application**

17. The Committee notes with appreciation the amendments to the State Party’s anti-trafficking laws and various other government initiatives to promote and protect the rights of migrant workers and their families abroad and within the State Party. The Committee is, however, concerned that the State Party has not passed any other legislation to amend or repeal obsolete migration-related laws or to further implement the Convention

since the adoption of the previous concluding observations. The Committee notes the explanations by the State Party that, with the creation of the Ministry of Legal and Constitutional Affairs, constitutional reviews of national laws are under way; however, it is particularly concerned that migration-related laws dating back to colonial times, such as the Deportation (Commonwealth Citizens) Act of 1942, the Immigration Restriction (Commonwealth Citizens) Act of 1945, as amended in 1988, and the Aliens Act of 1946, as amended in 1988, remain in force, criminalize irregular immigration and lack due process safeguards. It is also concerned about the absence of a legislative framework for refugees and asylum-seekers or for the regularization of irregular migrants.

18. **Reiterating its previous recommendations,<sup>11</sup> and with reference to the recommendations of the Committee on the Elimination of Racial Discrimination,<sup>12</sup> the Committee recommends that the State Party strengthen its efforts to ensure that its legislation is in full conformity with the Convention, including by:**

(a) **Speeding up legislative reform to repeal obsolete legislation and harmonize legislation on migration with the Convention and consider incorporating the Convention into national law in view of the fact that the State Party is a dualist State;**

(b) **Decriminalizing irregular immigration and taking the steps necessary to ensure that its national laws do not adversely affect the human rights of migrant workers and members of their families under the Convention and consider providing regular pathways for migration to migrant workers in an irregular situation and their families;**

(c) **Adopting and implementing a comprehensive migration law and a refugee law in line with the Convention, seeking assistance from and in close coordination with the Office of the United Nations High Commissioner for Refugees.**

#### **Articles 76 and 77**

19. The Committee notes that the State Party has not yet made the declarations provided for under articles 76 and 77 of the Convention.

20. **Reiterating its previous recommendation,<sup>13</sup> the Committee recommends that the State Party make the declarations provided for under articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive and consider communications from States Parties and individuals concerning violations of the rights established by the Convention.**

#### **Ratification of relevant instruments**

21. **Reiterating its previous recommendation,<sup>14</sup> the Committee recommends that the State Party ratify or accede to, as soon as possible, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Occupational Safety and Health Convention, 1981 (No. 155). With reference to the recommendation of the Committee on the Elimination of Discrimination against Women,<sup>15</sup> the Committee also recommends that the State Party consider ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).**

<sup>11</sup> CMW/C/JAM/CO/1, para. 13.

<sup>12</sup> CERD/C/JAM/CO/21-24, para. 26.

<sup>13</sup> CMW/C/JAM/CO/1, para. 14.

<sup>14</sup> Ibid., para. 15.

<sup>15</sup> CEDAW/C/JAM/CO/8, para. 31 (d).

### **Comprehensive policy and strategy**

22. The Committee notes with appreciation the adoption of the comprehensive, gender-responsive and human rights-based National Policy on International Migration and Development and of the National Diaspora Policy, and the development of national deportation and visa policies. It is, however, concerned about the absence of comprehensive measures to implement the national policies, exacerbated by external shocks such as the coronavirus disease (COVID-19) pandemic.

23. **With reference to its previous recommendations,<sup>16</sup> the Committee recommends that the State Party:**

(a) **Take specific and effective measures, with clear time frames, indicators, monitoring and evaluation benchmarks, to implement its national policies in the area of migration in line with the Convention, both in law and in practice;**

(b) **Provide sufficient human, technical and financial resources for the implementation of such measures;**

(c) **Ensure that its deportation, visa and other migration-related policies are in full compliance with the Convention;**

(d) **Include in its next periodic report relevant information on the results obtained and the difficulties encountered, supported by statistics.**

### **Coordination**

24. The Committee commends the creation of the National Working Group on International Migration and Development, consisting of representatives of various ministries and government departments and reporting to the interministerial International Migration and Development Monitoring Board. While noting that the National Working Group is mandated to provide overall guidance and oversight on matters relating to international migration and development and coordinates with the Population Thematic Working Group under the Vision 2023, and diaspora institutions, the Committee is concerned that greater coordination is required on specific issues related to the rights of migrant workers and their families.

25. **With reference to its previous recommendations,<sup>17</sup> the Committee recommends that the State Party:**

(a) **Ensure that the International Migration and Development Monitoring Board or another appropriate high-level interministerial body is equipped with a clear mandate and sufficient authority to coordinate all activities for the effective implementation of the rights protected under the Convention and with the human, technical and financial resources necessary for its effective and sustainable operation;**

(b) **Establish clear time frames, indicators, monitoring and evaluation benchmarks for the implementation of the Convention and include in its next periodic report relevant information, supported by statistics, on the results obtained.**

### **Data collection and right to privacy**

26. The Committee notes that a proposal for a migration data management system is currently before the Cabinet. The Committee is concerned about the lack of a centralized data collection system to generate disaggregated statistical information as these could better inform migration policies and decision-making.<sup>18</sup> The lack of such a system hinders the evaluation of the effective implementation of the Convention.

<sup>16</sup> CMW/C/JAM/CO/1, para. 17.

<sup>17</sup> Ibid., para. 19.

<sup>18</sup> CERD/C/JAM/CO/21-24, para. 5.

27. With reference to its previous recommendations,<sup>19</sup> the Committee recommends that the State Party:

(a) Further consolidate, in accordance with target 17.18 of the Sustainable Development Goals and objective 1 of the Global Compact for Safe, Orderly and Regular Migration, its system to collect data on the situation of migrant workers and members of their families in the State Party, in particular those in an irregular situation, covering all aspects of the Convention;

(b) Provide publicly available statistics on migrant workers, in both regular and irregular situations, and migrant workers in transit, and members of their families, nationals working abroad and their conditions of employment, returnees, children who migrate abroad, including separated or unaccompanied children, and spouses and children of migrant workers who are left behind in the State Party, to effectively promote human rights-based migration policies;

(c) Apply a gender-responsive, child-sensitive and human rights-based approach when collecting data and ensure that the rights to privacy, personal information and data protection of migrant workers and members of their families are protected, including by establishing appropriate reporting firewalls and access limitations, in order to ensure that personal data are not used for migration control or for discrimination in public and private services;

(d) Include in such a system the situation of all migrant workers and members of their families for whom Jamaica is a country of origin, transit, destination or return, and compile data disaggregated by, inter alia, sex, age, nationality, reason for entry into and departure from the country, the type of work performed, category of migrant worker, ethnic origin, migration status and disability;<sup>20</sup>

(e) Ensure the coordination, integration and dissemination of such data and design indicators to measure progress and the results of policies and programmes based on such data;

(f) Submit data based on studies or estimates where it is not possible to obtain precise information, such as on migrant workers in an irregular situation, in its next periodic report.

#### **Independent monitoring**

28. The Committee notes the explanation by the State Party that the establishment of a national human rights institution is under review and that there are other independent institutions to promote and protect human rights. It is, however, greatly concerned that the State Party has yet to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

29. Reiterating its previous recommendations,<sup>21</sup> the Committee urges the State Party to:

(a) Create, without further delay, a national human rights institution with competence to effectively promote and protect the rights of migrant workers and members of their families under the Convention and in full compliance with the Paris Principles;

(b) Equip the institution with sufficient human, technical and financial resources to effectively discharge its mandate;

(c) Include in its next periodic report relevant information, supported by statistics, on its activities and the results obtained, including on the complaints it has received from migrant workers and members of their families.

<sup>19</sup> CMW/C/JAM/CO/1, para. 21.

<sup>20</sup> CERD/C/JAM/CO/21-24, para. 6.

<sup>21</sup> CMW/C/JAM/CO/1, para. 23.

### **Training on and dissemination of information about the Convention**

30. The Committee welcomes the various training initiatives for law enforcement and other government officials, educators and social services and medical staff and Jamaican missions abroad regarding combating trafficking in persons, labour mobility and international migration, as well as capacity-building initiatives for judges on international human rights instruments and awareness-raising efforts for various stakeholders, such as migrant workers. The Committee is, however, concerned about insufficient training on the Convention and the lack of dissemination of the Convention and information on the rights enshrined therein among all relevant stakeholders.

**31. Reiterating its previous recommendations,<sup>22</sup> the Committee recommends that the State Party:**

(a) **Strengthen training programmes on the rights of migrant workers and members of their families under the Convention and make such programmes available to all officials and persons working in the area of migration, in particular, law enforcement and border authorities, including the coastguard, judges, prosecutors and relevant consular officials, as well as national, regional and local officials, social workers and members of civil society organizations, including migrants' organizations;**

(b) **Take further steps to ensure access by migrant workers to information and guidance on their rights under the Convention in all commonly used languages in the State Party, in particular through pre-employment and pre-departure orientation programmes;**

(c) **Strengthen its work with civil society organizations and the media to disseminate information about and promote the Convention;**

(d) **Consider establishing a comprehensive mechanism for the implementation of the present concluding observations and involve non-governmental organizations, in particular migrants' organizations, in the work of the mechanism, taking into account the four key capacities of a national mechanism for reporting and follow-up, namely, engagement, coordination, consultation and information management.<sup>23</sup>**

### **Participation of civil society**

32. The Committee welcomes the participation of civil society organizations in the development and implementation of migration-related policies and the reintegration of returnees, including persons who are victims of trafficking. It is, however, concerned about the lack of participation of representatives of such organizations, including migrants' and diaspora organizations, in the preparation of the current State Party report.

**33. Reiterating its previous recommendations,<sup>24</sup> the Committee recommends that the State Party:**

(a) **Strengthen cooperation with civil society organizations to fulfil the State Party's obligations under the Convention, including its dissemination to all relevant stakeholders, in particular migrant workers and members of their families;**

(b) **Take concrete measures, including by reviewing its pertinent legislation and amending it, to strengthen its dialogue with civil society organizations, such as migrants' organizations and the Jamaican diaspora, and when preparing the next periodic report;**

(c) **Facilitate the effective and independent participation of civil society in the implementation of the Convention and the recommendations contained in the present concluding observations, and the monitoring thereof.**

<sup>22</sup> <https://undocs.org/en/CMW/C/JAM/CO/1> Ibid., para. 25.

<sup>23</sup> See [www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRP\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRP_PracticalGuide.pdf).

<sup>24</sup> CMW/C/JAM/CO/1, para. 27.



## 2. General principles (arts. 7 and 83)

### Non-discrimination

34. The Committee welcomes the zero-tolerance policy for stigma or discrimination in any form against migrant workers and members of their families. The Committee is, however, concerned that national legislation, including section 13 (3) (i) of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, does not cover all the prohibited grounds of discrimination enumerated in articles 1 (1) and 7 of the Convention. It is also concerned about the remaining discriminatory provisions in section 4 of the Immigration Restriction (Commonwealth Citizens) Act and in the Deportation (Commonwealth Citizens) Act on “prohibited immigrants”, as well as in section 6 of the Aliens Act, which prescribes the eligibility criteria for entry and prohibits entry to persons with disabilities, while noting the ongoing process of their review. It is further concerned about the lack of information on actual practice and examples that would make it possible to assess the implementation of the right to non-discrimination pursuant to the Convention with respect to migrant workers in a regular and irregular situation, women migrant workers, returnees, Rastafarians and Haitian and Cuban migrants, among others.

35. **Reiterating its previous recommendations,<sup>25</sup> the Committee urges the State Party to:**

(a) **Deepen its legislative and policy measures, including by amending the above-mentioned Acts, to ensure that all migrant workers and members of their families within the territory or subject to its jurisdiction, regardless of their status, enjoy without discrimination the rights recognized by the Convention, in accordance with article 7 thereof;**

(b) **Raise awareness among migration officials, local authorities and the general public of the rights of all migrant workers and members of their families and of the importance of eliminating discrimination against them and of combating xenophobia and social stigmatization;**

(c) **Provide information in its next periodic report on the measures taken to improve and implement its legislative framework on non-discrimination as regards the rights of migrant workers and members of their families, irrespective of their status;**

(d) **Incorporate into its legislation clear and specific prohibitions of gender-based discrimination in relation to migrant women, and of discrimination in relation to migrants with disabilities.**

### Right to an effective remedy

36. The Committee notes the efforts by the State Party to inform migrant workers and members of their families of remedies available to them. It regrets, however, that the Charter of Fundamental Rights and Freedoms does not contain a general right to have recourse to a court. The Committee is concerned about: (a) information it has received that migrant workers at times fear retaliation when filing complaints and the complexity and length of legal proceedings, often leading to work loss and even expulsion before a case is resolved; (b) the lack of information on the number of cases brought before State organs and courts by migrant workers and members of their families, including those in an irregular situation, which reflects a lack of awareness on their part of their rights and of legal remedies available to them; and (c) the complexity of the Windrush compensation scheme, creating an undue burden of access for the claimants of the Jamaican “Windrush generation” and their descendants.<sup>26</sup>

<sup>25</sup> Ibid., para. 29.

<sup>26</sup> CERD/C/GBR/CO/24-26, para. 51.



37. **Reiterating its previous recommendations,<sup>27</sup> the Committee recommends that the State Party:**

(a) **Ensure that migrant workers and members of their families, including those in an irregular situation, have opportunities, in practice, equal to those of nationals of the State Party, to file complaints with the competent State organs and obtain effective redress in the courts in cases where their rights under the Convention have been violated, including by removing obstacles to access to justice, including portable justice, for migrants in an irregular situation, irrespective of where they or the members of their families are;**

(b) **Ensure that legal assistance is based on non-discrimination and is easily accessible and free of charge in practice;**

(c) **Intensify its efforts to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in case of a violation of their rights under the Convention, including by continuing to avail itself of the support of international organizations in awareness-raising activities;**

(d) **Continue to engage with the United Kingdom to support the adoption of the measures necessary to ensure that all “Windrush generation” victims have fair, prompt and effective access to justice and adequate reparations, including by considering creating a dedicated State entity for the victims to facilitate, inter alia, the simplification of the Windrush compensation scheme.<sup>28</sup>**

### **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

#### **Border management and migrants in transit**

38. The Committee welcomes the fact that Jamaica is a signatory to the Free Movement Protocol under the Caribbean Community (CARICOM) Single Market and Economy that will come into force on 1 June 2025. It is, however, concerned about: (a) porous borders, which facilitate the smuggling of migrants and trafficking in persons; (b) a legal border regime in the State Party that continues to focus on “prohibited immigrants” defined as a security threat; and (c) the impact that border management measures might have on the enjoyment of the human rights of migrants, including migrant workers and members of their families, in particular with respect to procedures applicable to migrant workers and asylum-seekers arriving at the international borders of the State Party, since the refugee system is based on a policy rather than on legislation.

39. **In line with the Recommended Principles and Guidelines on Human Rights at International Borders, the Committee recommends that the State Party:**

(a) **Adopt a human rights-based, rather than security-based, approach to border management, including in effective consultations with relevant stakeholders such as national judicial and human rights bodies, academia and civil society actors, including migrants’ organizations, in the development, adoption and implementation of border-related measures, and consider adopting a national border management strategy;**

(b) **Ensure that border governance measures address and combat all forms of discrimination by State and private actors at its international borders and are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions;**

(c) **Allocate sufficient human, technical and financial resources to strengthening border governance, ensuring that facilities are equipped to provide human rights-based and proportionate responses to migrants arriving at its international borders and that border and security authorities are trained in**

<sup>27</sup> [CMW/C/JAM/CO/1](#), para. 31.

<sup>28</sup> [CERD/C/GBR/CO/24-26](#), para. 52.

international human rights law relevant to their work, including gender equality training;

(d) Amend section 20 of the Aliens Act, decriminalize irregular entry, stay and exit and make provision for appropriate administrative penalties for such offences, since the Committee considers that, in accordance with its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families and its general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights, inter alia, irregular entry or stay or exit may constitute administrative offences at most and should never be considered criminal offences, as they do not infringe upon fundamental, legally protected values and, as a result, are not crimes per se against persons, property or national security;

(e) Ensure that border management involves the development and oversight, in bilateral coordination with other countries to which Jamaican nationals migrate and supported by international cooperation, of compliance with the Convention and other applicable international human rights treaties, including by developing plans to facilitate channels for safe, orderly and regular migration that are gender responsive.

#### **Labour exploitation and other forms of ill-treatment**

40. The Committee welcomes the zero-tolerance policy against labour exploitation and commercial sexual exploitation. The Committee is, however, concerned about the lack of specific information about measures taken to eradicate labour exploitation of migrant workers, irrespective of their status, and in particular domestic servitude, forced and child labour and commercial sexual exploitation, including sex tourism.

41. With reference to its previous recommendations,<sup>29</sup> and in the light of its general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, the Committee recommends that the State Party:

(a) Increase labour inspections and prosecute, punish and sanction persons or groups exploiting migrant workers, in particular women and children, or subjecting them to forced labour and abuse, especially all forms of exploitation, in particular commercial sexual exploitation, and in the informal economy, in accordance with targets 8.7 and 16.2 of the Sustainable Development Goals;

(b) Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to migrant workers who have been victims of labour exploitation, incorporating specific interventions regarding migrant children into the policy framework on the elimination of the worst forms of child labour among migrant children;

(c) Submit specific information in its next periodic report on the exploitation of migrant workers, including those in an irregular situation.

#### **Due process, detention and equality before the courts**

42. The Committee notes that section 14 (1) (i) (i) and (ii) of the Charter of Fundamental Rights and Freedoms permits the arrest or detention of non-citizens to prevent unauthorized entry into the State Party or with a view to deportation. The Committee is concerned about reports of systematic arrests and detention of Haitian migrants upon irregular entry and the admission of the State Party that parents are provided with the option to be detained together with their children or to be separated, with the children placed in State care while the parents are detained. It is also concerned that, under section 9 of the Aliens Act, section 20 of the Immigration Restriction (Commonwealth Citizens) Act and sections 9 and 11 of the Deportation (Commonwealth Citizens) Act, arrests and detention of irregular migrants, including in international waters, are not exceptional measures of last resort, with it being left to the discretion of the responsible minister to determine the manner of detention. It is

<sup>29</sup> CMW/C/JAM/CO/1, para. 33.

further concerned about the lack of information on any detention proceedings involving migrant workers or members of their families, in particular those in an irregular situation.

43. **Reiterating its previous recommendations,<sup>30</sup> the Committee, in accordance with its general comment No. 5 (2021) and joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, and also in accordance with target 16.9 of the Sustainable Development Goals, recommends that the State Party:**

(a) **Adopt measures, including legislative measures, to phase out and ultimately put an end to immigration detention and enact a presumption in law against detention and therefore in favour of freedom;**

(b) **Immediately cease migration detention of children, whether unaccompanied, separated from their parents or together with their families, and of other vulnerable groups of migrant workers and members of their families, as well as asylum-seekers, refugees and stateless persons;**

(c) **Ensure that:**

(i) **In all other cases, the detention of migrants is an exceptional measure of last resort, pursuing a legitimate end, permitted by law, and that it is necessary and proportionate and applied for the shortest possible period of time;**

(ii) **The grounds for detention are specified in each case, with specific reasons why alternative measures cannot be implemented;**

(iii) **The measure is reviewed within 24 hours by an independent and impartial judicial authority;**

(iv) **In line with its human rights obligations, alternative measures to detention are considered and made use of before imposing detention measures. The Committee recognizes alternatives to detention as being all community-based care measures or non-custodial accommodation solutions – in law, policy or practice – that are less restrictive than detention and which must be considered in the context of lawful detention decision procedures to ensure that detention is necessary and proportionate in all cases, with the aim of respecting the human rights and avoiding the arbitrary detention of migrants, asylum-seekers, refugees and stateless persons;**

(d) **Ensure that alternative measures to detention are applied to asylum-seekers and refugees, and in all cases of voluntary return, and that migrant workers and members of their families are informed of their rights and about procedures in the detention context in a language they understand;**

(e) **Strictly separate detention regimes from “voluntary” placement in shelters, including in statutory law, and provide for State-run or community-run shelters that are physically separated from immigration detention centres and are not situated on the same premises;**

(f) **Take the steps necessary to ensure that, in all administrative and judicial proceedings, migrant workers and members of their families, in particular those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State Party before the courts and tribunals, including being informed about their rights under the Convention in a language that they understand.**

#### **Conditions of detention for migrants**

44. The Committee notes the efforts to refurbish its immigration detention facilities, including Camp Cape Clear. It is, however, concerned that persons in migration-related detention may be held in police stations or not be separated from the general correctional or

<sup>30</sup> Ibid., para. 37.

remand prison population. It also remains concerned about the conditions of detention of the migrant population, including overcrowding and poor sanitation.

**45. Reiterating its previous recommendations,<sup>31</sup> and with reference to the recommendations of the Human Rights Committee,<sup>32</sup> the Committee recommends that the State Party:**

- (a) Ensure that migrants are detained only in facilities officially designated for that purpose;**
- (b) Provide adequate, gender-sensitive health services, including sexual and reproductive health services, psychological care, water, sanitation and hygiene, food and leisure and recreational activities, in detention facilities where migrants are held;**
- (c) Put an end to any situation of overpopulation or overcrowding in detention facilities where migrants are held.**

### **Expulsion**

46. The Committee is concerned about reports of collective expulsions of migrants, including Haitian and Cuban nationals, while noting the explanation by the State Party that they do not occur, that expulsion orders are within the discretion of the minister under the Acts mentioned in paragraph 42 above, about the lack of statutory suspensive effect of appeals against expulsion orders, while noting the explanation that courts provide injunctions in practice, and about the lack of information on the extent to which migrant workers subject to expulsion proceedings have recourse to courts.

**47. With reference to its previous recommendations,<sup>33</sup> the Committee recommends that the State Party:**

- (a) Take the steps necessary to ensure that administrative proceedings for expulsion are fully regulated by law and in accordance with articles 22 and 23 of the Convention, including a right to appeal with automatic suspensive effect;**
- (b) Ensure that persons subject to an administrative order of expulsion or return or seeking refugee status can avail themselves of support services and free legal representation and are aware of and can exercise their right to an effective remedy;**
- (c) Develop mechanisms to prevent the expulsion of migrants until each individual situation has been appropriately evaluated, in order, among other things, to uphold the principle of non-refoulement and the prohibition of collective and arbitrary expulsions;**
- (d) Strengthen the implementation of policies and mechanisms designed to provide alternatives to expulsion or return, including the right to asylum, complementary protection, leave to remain on humanitarian grounds and other forms of regularization.**

### **Consular assistance**

48. The Committee notes the progress made in improving the State Party's consular services, including through the expansion of its honorary consul system and liaison offices in Canada. The Committee is, however, concerned about the capacity of consular services to provide assistance and limited data on the sizeable number, estimated by the State Party at 3 million, of Jamaican nationals overseas, in particular in Canada, the United Kingdom and the United States.

<sup>31</sup> Ibid., para. 39.

<sup>32</sup> CCPR/C/JAM/CO/4, para. 32.

<sup>33</sup> CMW/C/JAM/CO/1, para. 41.

49. With reference to its previous recommendations,<sup>34</sup> the Committee recommends that the State Party:

(a) Take the steps necessary to ensure that its consular services can effectively meet the needs of Jamaican migrant workers and members of their families for the protection of their rights and to provide them with assistance, in particular the necessary assistance for any of them who are deprived of liberty or subjected to an expulsion order;

(b) Provide sufficient human and financial resources to effectively implement protection measures and for training programmes for consular officials on the Convention and other human rights instruments;

(c) Develop a standardized tool for the collection of quantitative and qualitative data on Jamaican migrant workers and members of their families in detention or subject to expulsion orders and the reasons for migration given by persons who receive consular assistance.

#### **Remuneration and conditions of work**

50. The Committee notes with appreciation the State Party's intention to review its employment-related legislation to facilitate compliance with the ILO Domestic Workers Convention, 2011 (No. 189).<sup>35</sup> It remains, however, concerned about the lack of information on the monitoring and implementation of the principle of equal pay for work of equal value with regard to migrant workers, in particular migrant domestic workers, who are mostly women, and about actual cases involving non-compliance with the above-mentioned principle by employers of migrant workers and on the working conditions of migrant workers.

51. With reference to its previous recommendations<sup>36</sup> and to the recommendations of the Committee on the Elimination of Discrimination against Women,<sup>37</sup> in the light of its general comment No. 1 (2011) on migrant domestic workers and in accordance with target 8.8 of the Sustainable Development Goals, the Committee recommends that the State Party:

(a) Expedite the review of and amendments to its pertinent legislation that are necessary to guarantee the principle of equal pay for work of equal value with regard to migrant workers, including for domestic migrant workers, so that they enjoy the same level of protection as national workers with respect to minimum wage, hours of work, days of rest, freedom of association and other conditions of work, on the basis of explicit, written terms of employment, in a language that they understand in contracts that are free, fair and fully consented to;

(b) Strengthen labour inspection services, carried out in confidential manner, to effectively monitor conditions of work and to receive, investigate and address complaints of alleged violations in this regard;

(c) Guarantee that labour inspectorates work independently from other departments, in particular immigration authorities, to encourage the reporting by migrant workers of cases of abuse and neglect to labour authorities without fear of immigration authorities becoming involved;

(d) Ensure that migrant workers, including migrant domestic workers in the light of its general comment No. 1 (2011), are well informed of their rights and the migration process prior to departing the State of origin, including by providing accurate and easily accessible information in relevant languages in the State of origin on their rights under the Convention and the conditions of their admission and employment and their rights and obligations under the law and practice of States of employment, through targeted pre-departure and awareness-raising programmes,

<sup>34</sup> Ibid., para. 43.

<sup>35</sup> CEDAW/C/JAM/CO/8, para. 30.

<sup>36</sup> CMW/C/JAM/CO/1, para. 45.

<sup>37</sup> CEDAW/C/JAM/CO/8, para. 31.

including in consultation with relevant non-governmental organizations, migrant domestic workers and their families, and recognized and reliable recruitment agencies;

(e) Monitor and assess the implementation of bilateral and multilateral labour agreements between Jamaica and destination countries, including Canada and the United States, and of other protective measures, to ensure the effective enjoyment of the rights and benefits by Jamaican workers abroad, in particular women, in line with the Convention.

#### **Social security**

52. The Committee welcomes that the State Party has entered into social security agreements with Canada, the United Kingdom, and 12 CARICOM countries. The Committee is, however, concerned about: (a) the absence of a similar social security agreement with the United States, subjecting Jamaican migrant workers to social security taxes in the United States without the ability to combine work credits from both countries to qualify for benefits; and (b) the general lack of information on the practical implementation of the right to social security in the State Party and abroad, including information on the legal requirements that migrant workers in an irregular situation would have to fulfil to have access to social security on equal terms as nationals.

53. **The Committee recommends that the State Party:**

(a) **Ensure that all migrant workers and members of their families, irrespective of their status, are able to subscribe to a social security scheme and that they are informed of their rights in this regard;**

(b) **Enter into gender-responsive and non-discriminatory bilateral and multilateral social security agreements with all destination countries to guarantee the social protection of migrant workers;**

(c) **Provide detailed information in its next periodic report on the general situation regarding access to social security schemes for migrant workers in Jamaica and abroad, irrespective of their migration status.**

#### **Birth registration and nationality**

54. The Committee welcomes that the State Party has almost reached universal coverage of birth registration, including of children of migrant workers. The Committee is, however, concerned about the lack of information as to whether migrant workers in an irregular situation systematically register their children born on the territory of Jamaica, given that they might be fearful of deportation.

55. **Recalling its previous recommendation,<sup>38</sup> in line with joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) and in accordance with target 16.9 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Ensure that all children of Jamaican migrant workers abroad and children born on the territory of the State Party, in particular children born to asylum-seekers and migrants in an irregular situation, are registered at birth and issued personal identity documents, and that it raises awareness of the importance of birth registration among migrant workers and asylum-seekers;**

(b) **Provide information in its next periodic report on the birth registration of children born to Jamaican migrant workers abroad and the children of migrant workers born in Jamaica, regardless of the immigration status of their parents;**

(c) **Establish an effective statelessness determination procedure with specific procedural considerations and safeguards given the critical role of nationality for all people, including migrant workers and members of their families, and provide**

<sup>38</sup> CMW/C/JAM/CO/1, para. 55 (e).

information, including statistics, in its next periodic report on the extent of the phenomenon;

- (d) **Accede to the Convention relating to the Status of Stateless Persons.**

### **Education**

56. The Committee notes that all children are required to attend school, irrespective of their migration status, under the Child Care and Protection Act of 2004, and also notes the efforts by the State Party to facilitate access to education by children of migrant workers, including those in an irregular situation. It is, however, concerned that, while noting that the State Party currently applies a tuition-free policy, section 13 (3) (k) of the Charter of Fundamental Rights and Freedoms confers the right to free pre- and primary education only to Jamaican children. It is also concerned about the lack of information on specific legislation or programmes to ensure that children of migrant workers, in particular those in an irregular situation, have access to education.

57. **With reference to its previous recommendation,<sup>39</sup> in line with joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) and in accordance with target 4.1 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Ensure that all children of migrant workers, irrespective of their status, enjoy access to preschool, primary and secondary education on the basis of equality of treatment with nationals of the State Party, in compliance with article 30 of the Convention;**

(b) **Establish reporting firewalls between law enforcement and immigration authorities on the one hand, and education services on the other, so that all migrant workers and members of their families in an irregular situation send their children to school;**

(c) **Include in its next periodic report comprehensive information on the measures taken in that regard, including statistics, on the enrolment rates of children of migrant workers in an irregular situation.**

### **Transfer of earnings and savings upon termination of stay**

58. Recognizing the importance of remittances for members of the families of Jamaican migrant workers abroad and their vital role for the economy of the State Party, the Committee notes the development of partnerships with financial institutions to facilitate the transfer of remittances by Jamaican migrant workers to the State Party and by migrant workers in the State Party to their countries of origin and initiatives to encourage the transfer of earnings and savings by Jamaican migrant workers to productive projects in the State Party and to improve data collection and analysis on remittance flows to enhance evidence-based policy development. The Committee is, however, concerned about insufficient information regarding flows of remittances since the previous concluding observations, as such information was made available only for 2024.

59. **Reiterating its previous recommendation,<sup>40</sup> the Committee recommends that the State Party:**

(a) **Further facilitate the transfer of remittances by Jamaican migrant workers to Jamaica;**

(b) **Take measures to facilitate the transfer of remittances by migrant workers in Jamaica to their countries of origin, with preferential transfer and reception fees, in accordance with target 10.3 of the Sustainable Development Goals, and make savings abroad more accessible to migrant workers and members of their families in the State Party;**

<sup>39</sup> *Ibid.*, para. 47.

<sup>40</sup> *Ibid.*, para. 53.



(c) **Provide information in its next periodic report on flows of remittances from countries where Jamaican migrants work, on the costs incurred by them when transferring funds to the State Party and on facilities available for the transfer of remittances.**

**4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

**Right to vote and to be elected in the State of origin**

60. The Committee notes the right of every citizen, under section 13 (3) (m) of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, to be elected and to vote. The Committee is, however, concerned that, in practice, Jamaicans living abroad are not able to exercise these rights.

**61. The Committee urges the State Party to:**

(a) **Take effective measures to guarantee the right of all Jamaican migrant workers and members of their families living abroad to vote and be elected by facilitating their registration and participation in all future elections, including the national elections in 2025, and ensure the accessibility and availability of polling stations and the presence of independent observers;**

(b) **Facilitate voting by mail and over the Internet;**

(c) **Ensure sufficient funding for overseas voting.**

**Diaspora institutions**

62. In view of the substantial size of the Jamaican diaspora, who mainly reside in Canada, the United Kingdom and the United States, the Committee notes with appreciation the support provided to them by the State Party, such as the adoption of the National Diaspora Policy, the establishment of various government departments and forums for the Jamaican diaspora and the launch of an application for voluntary registration. It regrets, however, the lack of recent information about coordination among the above-mentioned numerous bodies and about processes for Jamaican migrant workers abroad to participate in consultations regarding their views on how to contribute to national development.

**63. The Committee recommends that the State Party ensure the facilitation of consultations and exchanges of views with the Jamaican diaspora associations about their contribution to national development processes.**

**Family reunification**

64. The Committee is concerned that the State Party has not enacted specific legislation on family unity and facilitates family reunification to close family members of migrant workers, including those in a regular situation, only to CARICOM nationals under the Caribbean Single Market and Economy.

**65. The Committee recommends that the State Party take the measures necessary, including legislative measures, to ensure the protection of the unity of the family of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their dependent unmarried children, in accordance with article 44 of the Convention.**

**Work permits and residency**

66. The Committee notes that migrant workers from CARICOM countries are exempt from the requirement of obtaining work permits under the Foreign Nationals and Commonwealth Citizens (Employment) (Amendment) Act, 2011, if they obtain a CARICOM Single Market and Economy Skills Certificate. It is, however, concerned that the granting of a work permit to migrant workers from other countries is conditional on the

existence of employment and that the minister may at any time vary or cancel a work permit under section 7 of the Act, which affects the legal situation of migrant workers.

**67. The Committee recommends that the State Party review and improve its work permit system to prevent abusive working conditions and labour exploitation, including by:**

(a) **Establishing a provision in statutory law to ensure that migrant workers who lose their employment have sufficient time to seek legal remedies against the termination of their employment and/or alternative employment, and refraining from expelling such migrant workers;**

(b) **Ensuring that migrant workers do not face reprisals or lose their employment when they report employers who deduct fees for the issuance of their work permit from their wages to the authorities.**

**5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)**

**Children in situations of international migration**

68. The Committee welcomes the creation of the Office of the Children’s Advocate and the State Party’s efforts to secure the rights and welfare of the children of migrants in situ and those left behind in the country of origin, including those referred to as “barrel children”. The Committee is, however, concerned about the vulnerability of children left behind in the country of origin to violence, abuse, neglect and exploitation, that children aged under 16 who are dependants of a “prohibited immigrant” are also considered as such under section 4 (f) of the Immigration Restriction (Commonwealth Citizens) Act and the lack of clarity on the number of children who have returned to the State Party and about the measures taken to facilitate their resettlement and reintegration.

**69. Recalling its previous recommendations,<sup>41</sup> and in line with joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017), the Committee recommends that the State Party:**

(a) **Amend the Immigration Restriction (Commonwealth Citizens) Act to protect the children of “prohibited immigrants”, including separated or unaccompanied children;**

(b) **Conduct nationwide research on children of migrant workers in situ and on those left behind in the country of origin to establish the demographic profile of this population to effectively design its policies and programmes;**

(c) **Take all measures necessary to ensure that migrant children and those affected by migration are protected against violence, exploitation, abuse and neglect and other crimes and against resorting to crime or sexual exploitation to meet their basic needs;**

(d) **Provide information in its next periodic report on specific measures taken to facilitate the resettlement and reintegration of children of migrant workers upon their return as well as of returned migrant workers for their reunification with their children left behind in Jamaica.**

**International cooperation with countries of transit and destination**

70. The Committee welcomes that the State Party has entered into bilateral or multilateral agreements with countries of employment of Jamaican migrant workers with a view to protecting their rights, including in sectors such as agriculture, construction and hospitality, and its intention to conclude further agreements. The Committee is, however, concerned that no additional agreements have been concluded since the Committee’s previous concluding observations. It notes with particular concern the information it has received that Jamaican migrant workers in Canada pursuant to the Seasonal Agricultural

<sup>41</sup> *Ibid.*, para. 55.

Worker Program, dating back to 1966, have been subjected to labour exploitation and discrimination under the terms of the underlying 1995 memorandum of understanding on closed work permits between the State Party and Canada, including wage theft, excessive working hours, unsafe conditions of work, lack of access to healthcare, inadequate housing, abuse, including racial abuse, and restrictions of the rights to freedom of movement and privacy, including through surveillance.

**71. With reference to its previous recommendations,<sup>42</sup> the Committee recommends that the State Party:**

(a) **Guarantee, in the implementation of any bilateral or multilateral agreements, the protection of the rights of Jamaican migrants under the Convention, including migrant workers and members of their families, and ensure that such agreements are fully consistent with the Convention, the Committee's general comments No. 1 (2011), No. 2 (2013), No. 5 (2021) and No. 6 (2024) and joint general comments No. 3 and No. 4 of the Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017);**

(b) **Establish mechanisms to systematically monitor, evaluate and report on the implementation of bilateral and multilateral agreements and the effectiveness of the Overseas Employment Programme and its compliance with the State Party's obligations under the Convention to protect the rights of Jamaican migrant workers abroad, including by avoiding visa and work permit restrictions that tie them to one employer, and provide information in this regard in its next periodic report;**

(c) **Engage with the Office of the United Nations High Commissioner for Human Rights and ILO and seek technical assistance regarding the implementation of said agreements and the negotiation of future agreements to ensure that they are aligned with the Convention.**

#### **Recruitment agencies**

72. The Committee notes that recruitment agencies are regulated and licensed under the Recruitment Agencies Regulation Act, 1957, as amended, and that there is a statutory recruitment fees cap. It is, however, concerned about the steep decrease in the number of complaints about the operations of recruitment agencies between 2023 (160 complaints) and 2024 (9 complaints), that data about prosecutions are available only for the years 2021–2024 and about the lack of information about the nature of such prosecutions, the results thereof and the sanctions imposed.

**73. With reference to its previous recommendations,<sup>43</sup> and in line with its general comment No. 1 (2011) and the Guiding Principles on Business and Human Rights, the Committee recommends that the State Party:**

(a) **Reinforce the regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies to ensure the rights of migrant workers in accordance with the Convention;**

(b) **Enhance recruitment monitoring and inspections to prevent private recruitment agencies from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters;**

(c) **Ensure that private recruitment agencies provide complete information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries;**

(d) **Investigate and sanction unethical and/or illegal practices by recruiters, with a view to punishing those involved in exploitative practices;**

(e) **Adopt a “no placement fees” policy for persons intending to work abroad.**

<sup>42</sup> Ibid., para. 57.

<sup>43</sup> Ibid., para. 59.

### Return and reintegration

74. The Committee welcomes the development, in collaboration with destination countries, of several programmes for the return and reintegration of Jamaican migrant workers, including the “Return of the Talent” programme, implemented as part of the Medium-Term Socio-Economic Policy Framework 2021–2024. It commends the implementation of the Reintegration and Rehabilitation of Involuntarily Returned Migrants Jamaica Project, supported by the United Nations Development Programme, and the assistance provided by the International Organization for Migration (IOM) to Jamaican irregular migrants for their reintegration. The Committee is, however, concerned about the absence of a comprehensive return and reintegration strategy on bilateral or multilateral mobility or readmission agreements.

**75. With reference to its previous recommendations<sup>44</sup> and in line with target 10.7 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Ensure that all returns are carried out in accordance with international law, including the Convention, and with due process guarantees, in particular with respect to non-refoulement and protection against arbitrary and collective expulsion;**

(b) **Finalize the National Deportation Policy without delay to promote voluntary return and provide information to migrant workers and members of their families on voluntary return processes;**

(c) **Take effective measures to facilitate the return and durable reintegration of returning migrant workers and members of their families into the economic, social and cultural life in the State Party and, in particular, ensure gender-responsive support to address the specific physical and mental health needs of those who have experienced violence, abuse or sexual exploitation, in particular women who have been trafficked;**

(d) **Conclude bilateral or multilateral mobility or readmission agreements, ensure that they are implemented in conformity with the Convention and, in particular, ensure that they include appropriate procedural guarantees.**

### Trafficking in persons

76. The Committee welcomes the amendments to the Trafficking in Persons (Prevention, Suppression and Punishment) Act in 2018 and 2021, strengthening the rights of victims of trafficking in persons and removing the option of imposing fines for certain offences. It also welcomes awareness-raising programmes for stakeholders and the general public as well as training provided to police officers, border officials and medical and social services staff on combating trafficking in persons to enhance their capacity to detect, investigate and support the prosecution of trafficking in persons. It further welcomes the identification and repatriation of persons who are victims of trafficking and the provision of specialized services and support to them and regional cooperation on combating trafficking in persons supported by IOM. It is, however, concerned about: (a) the significant decrease in the budgetary allocation to the National Task Force against Trafficking in Persons, from 19 million to 11 million Jamaican dollars (approximately 123,380 and 71,430 United States dollars, respectively) from 2022 to 2023; (b) the absence of a national anti-trafficking plan of action since 2023; (c) the limited and outdated information available from the State Party on measures taken to combat commercial sexual exploitation, in particular sex tourism; and (d) the lack of information on the number and outcomes of prosecutions of cases of trafficking in persons involving migrants.

**77. Reiterating its previous recommendations,<sup>45</sup> and with reference to the recommendations of the Committee on the Elimination of Discrimination against Women<sup>46</sup> and of the Committee on the Elimination of Racial Discrimination<sup>47</sup> and the**

<sup>44</sup> *Ibid.*, para. 61.

<sup>45</sup> *Ibid.*, para. 65.

<sup>46</sup> CEDAW/C/JAM/CO/8, para. 25.

<sup>47</sup> CERD/C/JAM/CO/21-24, para. 30.

**Recommended Principles and Guidelines on Human Rights and Human Trafficking, the Committee recommends, in line with target 5.2 of the Sustainable Development Goals, that the State Party:**

- (a) Continue to review its legislation and amend it, if necessary, to ensure that victims of trafficking, in particular women and children, are properly identified and are not detained, charged or prosecuted for irregular entry or stay, including in countries of transit and destination, or for their involvement in unlawful activities to the extent that such an involvement is a direct consequence of their situation as victims of trafficking, emphasizing their status as victims of trafficking rather than focusing on criminalization;
- (b) Enhance guidelines for the early identification of victims of trafficking and reinforce the mechanisms of support, referral, rehabilitation, repatriation and social integration of trafficking victims, including by providing them with access to shelters, legal, medical and psychosocial assistance;
- (c) Effectively investigate and prosecute trafficking cases and impose on perpetrators sentences commensurate with the gravity of the crime;
- (d) Ensure that children who are victims of trafficking are provided with appropriate assistance and protection and that full account is taken of their special rights and needs;
- (e) Strengthen gender-responsive and child-friendly training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, healthcare workers and the staff of the State Party's missions abroad, and disseminate more widely information on trafficking in persons and assistance to victims;
- (f) Step up awareness-raising campaigns and information on the prevention of trafficking of migrant workers and encourage the private sector to adopt a zero-tolerance policy on sex tourism and to protect persons against all forms of exploitation, including commercial sexual exploitation and forced labour and services;
- (g) Collect and regularly publish disaggregated data on the extent of the phenomenon of trafficking in persons, including on the number of trafficking victims and of smuggled migrants who have applied for temporary or permanent residence and the number of authorizations granted, and provide information in this regard in its next periodic report;
- (h) Strengthen international, regional and bilateral cooperation through agreements with countries of origin, transit and destination on the prevention and combating of trafficking in persons;
- (i) Provide in its next periodic report data on trafficking, exploitation of prostitution of women and children, on prosecutions and convictions in trafficking for sexual exploitation cases and on the impact of the measures taken to combat these phenomena.

## **6. Dissemination and follow-up**

### **Dissemination**

78. The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official language of the State Party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

### **Technical assistance**

79. The Committee recommends that the State Party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the

**2030 Agenda. It also recommends that the State Party continue its cooperation with specialized agencies and programmes of the United Nations.**

**Follow-up to concluding observations**

**80. The Committee requests the State Party to provide, within two years (that is, by 1 May 2027), written information on the implementation of the recommendations contained in paragraphs 18 (legislation and application), 39 (d) (border management and migrants in transit), 41 (labour exploitation and other forms of ill-treatment), 43 (due process, detention and equality before the courts) and 53 (social security) above.**

**Next periodic report**

**81. The State Party's third periodic report is due by 1 May 2030. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding that date, unless the State Party has explicitly opted for the traditional reporting procedure. The Committee draws the State Party's attention to its harmonized treaty-specific guidelines.<sup>48</sup>**

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<sup>48</sup> [HRI/GEN/2/Rev.6](#).