



**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**

**Combined initial and second periodic reports
submitted by Jamaica under article 73 of the
Convention, due in 2019^{*}, ^{**}, ^{***}**

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** The present document was submitted pursuant to the simplified reporting procedure (see CMW/C/JAM/CO/1-2, para. 5).
*** The annexes to the present document may be accessed from the web page of the Committee.



Part I

Reply to paragraph 1 (a) of the list of issues (CMW/C/JAM/QPR/1)

1. Jamaica is a dualist state and as such, the Convention does not have direct or automatic effect. However, the provisions of the Convention are implemented into Jamaica's domestic law through the enactment of different pieces of legislation. Once adopted into domestic law through legislation, any breach thereto is an offence against the State. Jamaica recognizes the legal implication of ratifying this Convention and has established the requisite framework to ensure compliance with the Convention.

2. The implementation of the Convention is evident in the several existing and pending laws, policies and measures, including:

(a) Employment Agencies Regulation Act, 1957 (amended in 1968, 1975 and 2007);

(b) Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964 (amended in 2011);

(c) Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007 amended in 2013, 2018 and 2021) as well as the National Action Plan to Combat Trafficking in Persons, 2015–2018;

(d) Appointment of a National Rapporteur on Trafficking in Persons in 2015;

(e) National Policy on International Migration and Development, 2017;

(f) Draft National Deportation Policy;

(g) Draft National Visa Policy.

Reply to paragraph 1 (b) of the list of issues

3. Whilst there is no legislation that is specific to the protection of Migrant Workers and by extension members of their families, domestic laws are general in nature and offer protection to all persons who live and work in Jamaica. This includes migrant workers and where applicable, members of their families. It should be noted that the Charter of Fundamental Rights and Freedoms contained in the Jamaica (Constitution) Order in Council 1962 (the Constitution), provide the following protection for all persons in Jamaica including migrant workers and their families:

“Section 13(3) – i. the right to freedom from discrimination on the ground of –

i. being male or female;

ii. race, place of origin, social class, colour, religion or political opinions; ...”

4. In conjunction with the Constitution, the labour laws help to create a rights-based employer/employee relationship and promote good industrial relations within the labour market, which includes migrant workers.

5. The following legislation addresses non-discrimination from an employment perspective:

(a) The Employment (Termination and Redundancy Payments) Act, 1974: the Employment (Termination and Redundancy Payments) Act of 1974, operational since December 9, 1974, outlines the legal framework for employment termination, notice requirements, and redundancy payments in Jamaica, ensuring fair treatment for employees. The Act aims to protect employees by setting standards for termination of employment, including redundancy situations and ensuring fair treatment and compensation;

(b) Employment (Equal Pay for Men and Women) Act, 1975: this legislation establishes that men and women must be remunerated equally for equal work done. Where

there is contravention of this Act, the court may impose a fine or imprisonment not exceeding twelve (12) months;

(c) The Maternity Leave Act, 1979: this legislation seeks to protect female workers generally during pregnancy or confinement. It protects the rights of the qualified worker to leave with pay and protects the rights of the worker to return to work;

(d) Paternity Leave Policy, 2023: the Paternity Leave Policy, 2023 allows public sector full-time male employees 18 years and older with 12 months of continuous service or part-time male employees with 12 months of continuous service working at least 18 hours per week to 20 days of paternity leave providing that confirmation is obtained that he is the registered father. At the timing of the passing of the policy, the private sector was also encouraged to offer paid paternity leave as well;

(e) The Sexual Harassment Act, 2021: the Sexual Harassment (Protection and Prevention) Act, 2021 in Jamaica provides a legal framework to address and prevent sexual harassment in various settings, including the workplace. The Act defines sexual harassment as any unwelcome sexual advance, request, or conduct that is offensive, humiliating, or intimidating. It places a duty on employers to implement policies and procedures to prevent and address harassment, ensuring a safe and respectful work environment. Additionally, it establishes a Sexual Harassment Tribunal to handle complaints and provide redress. This legislation reinforces the responsibility of organizations to foster workplaces free from harassment and discrimination in all forms and secures decent working conditions for all individuals working in Jamaica including migrants;

(f) The Disabilities Act, 2014 and The Disabilities Regulations, 2021: the Disabilities Act and Disabilities Regulations seeks to promote, protect and enhance the full and equal enjoyment by persons with disabilities of privileges, interests, benefit and treatment on an equal basis with other persons in the society. The Act was passed in 2014 and entered into force on February 14, 2022, by the Minister of Labour and Social Security. The Regulations took effect the year prior in 2021 in exercise of the power conferred on the Minister by section 46 of the Disabilities Act.

6. In an effort to strengthen the protection framework for persons with disabilities, policies were formulated to address other areas of discrimination which female workers and other vulnerable groups could face within the workplace such as discrimination on the basis of disability and discrimination faced by persons who live with HIV/AIDS. These policies are:

- (a) National Workplace Policy on H.I.V and AIDS;
- (b) Life Threatening Illnesses Policy.

Migration Policies

7. In 2017, Jamaica completed its National Policy on International Migration and Development. The Policy seeks to promote a better understanding of the linkages between migration and development, particularly within the context of globalization and the need to maximize the benefits and minimize the negative impacts of international migration. This Policy articulates the importance of implementing measures that promote and safeguard the rights of migrants and identifies specific actions to be taken in order to promote their increased contribution to national development whether in the form of labour, direct investment, skills and cultural transfers.

8. The Policy and Plan of Action has identified several measures to address the protection of the rights of migrants. For example, for short-term migrant workers accessing the Ministry of Labour and Social Security's Overseas Employment Programmes, are provided with pre-departure orientation as well as reintegration exercises conducted at the end of work programmes completed overseas. The Ministry with responsibility for Labour has also increased public awareness among migrant workers and their families on the use of their remittances for savings and investments. In addition, the Policy and Plan of Action has identified the promotion of regional cooperation within CARICOM as a key objective to address migration-related issues such as labour migration and the protection of the rights of migrant workers and their families under the Caribbean Single Market and Economy (CSME).

9. The right to free movement is recognized under Jamaica's Charter of Fundamental Rights and Freedom, that is to say, the right- (i) of every citizen of Jamaica to enter Jamaica; and (ii) of every person lawfully in Jamaica, to move around freely throughout Jamaica, to reside in any part of Jamaica and to leave Jamaica. The Government, therefore, recognizes the movement of labour lawfully to and from Jamaica. The National Policy on International Migration and Development explicitly supports opportunities in the global labour market for both permanent and circular movement of labour and skills. The goals and targets found under the migrant labour and family thematic areas explicitly speak directly to the protection of migrant workers and members of their families.

10. Further, the 2019 Refugee Policy confirms that the Government of Jamaica is committed to ensuring that Jamaica adheres to its obligations under 1953 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the State of Refugees and that those who are fleeing prosecution are given the protection they need. The Policy outlines the process for application of Refugee Status, Treatment, and Responsibilities of Officials regarding application, Rights and Duties of Refugees and Treatment of Application of dependents.

11. The Policy indicates that a Refugee is :

“shall be given formal written recognition of refugee status which entitle him/her to:

- (a) receive the same basic health services and basic primary school education which the inhabitants of Jamaica receive from time to time;
- (b) seek employment; ...”

12. This guarantees Refugees with the same rights as national and affords them the same protection from non-discrimination.

Reply to paragraph 1 (c) of the list of issues

13. Jamaica has taken steps to improve its domestic laws with a view to conforming with the requirements of Conventions generally and to improve protection of workers including migrant workers. The domestic legislation are constantly reviewed to ascertain whether they conform with the Convention and where it is revealed that they are not compliant, recommendations are made to address identified deficiencies.

14. In an effort to harmonize legislation with provisions consistent with the Convention, an extensive review of Labour laws was undertaken between 2019 and 2020. With the completion of this review, steps are now being taken to amend, and if necessary, formulate new legislation to address gaps. Efforts are also ongoing to complete the formulation and tabling of Deportation and Visa policies. Also, within the same period, an extensive assessment of the pre-departure orientation exercise was done to further examine ways to improve measures to ensure increased awareness of the protection of migrant workers' rights.

Reply to paragraph 1 (d) of the list of issues

15. Jamaica signed the Reciprocal Social Agreements with the United Kingdom and Northern Ireland in 1972; Canada in 1983; Quebec in 1988 and twelve CARICOM countries in 1996. These agreements enable persons to move from one country to another to work without losing specified social security benefits and ensure the equality of treatment of workers/beneficiaries. The Reciprocal Agreements also apply to refugees who are residing in the territory of another party and under the same conditions to members of their families.

16. Additionally, Jamaica signed a bilateral Memorandum of Understanding with Canada at the inception of the Seasonal Agricultural Workers Programme (SAWP) in 1966. This Agreement which was re-signed in 1995 established the framework under which Jamaican seasonal agricultural workers travel to Canada to fill critical labour shortages. The Agreement also establishes the general administrative guidelines and principles which govern the operation of the Programme, including the manner in which issues such as remuneration, accommodation and the general treatment of the migrant workers are addressed.

17. The Memorandum of Understanding (MOU) enshrines the following principles:

(a) Article 1(b) of the MOU provides that workers are to be employed at a premium cost to the employers and are to receive adequate accommodation and fair and equitable treatment;

(b) Article 1 (d) states that each worker and employer must sign an employment contract. The employment contract provides for the period of employment, lodging, meals and rest period, payment of wages, health and safety of workers, obligation of employers to maintain work records, travel and reception arrangements and obligations of the employer. The latter includes providing safety equipment, transportation to and from medical facilities for treatment and ensuring that workers are only engaged in agricultural work;

(c) Annex 1 of the MOU requires Jamaica to appoint one or more agents in Canada for the purpose of ensuring the smooth functioning of the Programme according to the principles of the MOU. In that regard, the Jamaica Liaison Service was appointed;

(d) Part 12 of the employment contract addresses repatriation procedures in the event of early termination.

18. In Jamaica, the SAWP is administered by a Management Committee approved by the Cabinet and comprised of representatives from the Ministry of Labour and Social Security, the Ministry of Finance and the Public Service, the Solicitor General and major trade unions.

19. The MOU also speaks to the deployment of agents of the Jamaican State in Canada to protect the interest and welfare of workers and to ensure the smooth functioning of the Programme for the mutual benefit of Jamaica and Canada. These agents are strategically located across the Provinces in Canada to facilitate twenty-four-hour access by workers and are collectively referred to as the “Liaison Service”.

20. By a Decision of its Cabinet in September 2022, the Government of Jamaica appointed a 7-member team to investigate and report on the working conditions affecting workers under the Canadian Seasonal Agricultural Workers Programme (SAWP). The team presented its findings and proposed several recommendations in May 2023 geared towards improving the welfare and wellbeing of farm workers, as well as bolstering and streamlining the work of the support network in Jamaica and Canada for the farm workers. The recommendations continue to guide the coordination activities of the GoJ.

21. The United States Seasonal Labour Programme – there is no explicit bilateral agreement between the Governments of the United States of America (USA) and Jamaica outlining the general principles and procedures governing the movement of workers. However, the Jamaican Seasonal Labour Migration Programme operates within the legal and policy framework administered by the relevant Federal and State authorities. Protection of the workers and supervision of the Programme begins upon the arrival of the worker. This is executed through a team of liaison officers headed by a Chief Liaison Officer and administrative staff.

The Liaison Service

22. Prior to the arrival of the worker the liaison service will ensure that:

(a) The job for which the worker was recruited does in fact exist;

(b) Information regarding the terms and conditions of employment and the welfare benefits are communicated to each worker;

(c) Inspections are conducted to make sure that housing is available at acceptable standards;

(d) Prospective employers are visited to ensure that the systems that are necessary for the proper management of the Programme are understood and in place; and

(e) Ensures that workmen’s compensation is in place and available to every worker.

23. The Liaison Service also provides the following services which are not exhaustive:
- (a) Consulting with Government Agencies on issues concerning the regulation of the Programme;
 - (b) Negotiating the terms and conditions of the annual contract with Government officials and Employer groups regarding the employment of Jamaica workers;
 - (c) Providing consultative and advisory services to prospective and current employers on the operation or administration of the Programme;
 - (d) Ensuring that current or prospective employers fully understand and adhere to the terms and conditions of the work agreement;
 - (e) Addressing farmers' associations and advocacy groups on the operation and benefits of the Programme;
 - (f) Maintaining dialogue with various associations and groups such as workplace safety associations and trade unions regarding safety measures and wage rates payable to workers;
 - (g) Attending to disputes or issues that may arise between employers and workers and between workers with a view to amicably resolving same;
 - (h) Representing and/or providing workers with legal assistance when they are in violation of the law;
 - (i) Representing the Government of Jamaica at all forums in Canada in relation to the programme;
 - (j) Meeting with workers at the airport and providing them with information which assist with the settlement of the workers;
 - (k) Providing the workers with general guidance on how to access essential services in Canada;
 - (l) Visiting with workers and employers to ensure the welfare of workers and the satisfaction of employers;
 - (m) Providing emergency and welfare assistance to workers;
 - (n) Assisting workers with the opening of bank accounts;
 - (o) Ensuring that workers receive adequate medical attention and follow-up care during periods of illnesses or hospitalization as well as during recovery;
 - (p) Filing tax returns on behalf of workers; and
 - (q) Monitoring working conditions and working along with employers as well as local and municipal health authorities to ensure that established standards are maintained.
24. It is important to note that a contract of employment signed by the workers and their employers sets out the terms and conditions of employment.
25. In addition, the Department responsible for labour in both the USA and Canada conducts an integrity audit, thus ensuring adherence to the provisions of the contract of employment as well as the laws of the states.
26. The Liaison Services in Canada and the United States must establish and maintain standards of integrity while pursuing worker's rights and employers' satisfaction in order to ensure labour productivity. The employment contract between the worker and the employers provides protection for the workers and general enforcement is supported by the Liaison Service. There are ongoing scheduled visits to farms in order to maintain good relations between employers and workers. However, specific investigations are conducted when information is received involving grievances/violations/non-compliance/injuries. Since workers seek to maximize their earnings, they often request long work hours, however, they have the option not to work these long hours if they so choose.

Family Services

27. The Ministry of Labour and Social Security (MLSS) has established a Family Services Unit staffed with a cadre of professional social workers who provide welfare and support services to overseas workers and their families residing in Jamaica. Social workers make routine visits to families to conduct assessments of their situation and make recommendations for assistance to the relevant agencies, when needed.

28. Other interventions, which are made, if necessary, include:

- (a) Guidance to family members in improving their standard of living;
- (b) Assistance to secure financial and other support for income generating projects to assist in supporting the family;
- (c) Ensuring that the family is supported by the overseas worker and that communication is taking place between the worker and his/her family; and
- (d) Counselling services to sick or injured workers at home and in the hospital.

29. Where the worker has children who remain in Jamaica, the MLSS assesses their living conditions to determine whether adequate provisions have been made for the children. Where the provisions are deemed to be inadequate, the MLSS intervenes and recommends that assistance be provided through the relevant social programmes. The execution of this exercise is guided and monitored by the MLSS. The MLSS ensures that children receive the required medical assistance, that they are registered in schools and attend school as required. MLSS also recommends and assists in the registration of children in social programmes including the Programme of Advancement Through Health and Education (PATH) and the Social Intervention Programme. In addition, where a child has a disability refers the child to the relevant agencies including the Jamaica Council for Persons with a Disability (JCPD) and Early Stimulation Programme.

Social Security Agreements

30. Jamaica has bilateral social security reciprocal agreements with the United Kingdom, Canada, Quebec, and a multi-lateral agreement with 12 CARICOM countries to include (Antigua & Barbuda, Bahamas, Barbados, Belize, St Kitts & Nevis, Dominica, Grenada, Guyana, Montserrat, St. Lucia, Trinidad & Tobago and St. Vincent & the Grenadines). These agreements enable countries to coordinate their social security programmes, thereby protecting certain social security rights and providing for continuity of coverage for citizens and migrants. Under the Reciprocal Social Security Agreement, Jamaicans can remit social security contributions and receive social insurance benefits in the country in which they reside. The Agreement provides for pooling of contributions and seeks to ensure that persons do not lose benefits because of relocation to another territory.

Multilateral Agreements

The Revised Treaty of Chaguaramas

31. The Revised Treaty of Chaguaramas established the Caribbean Community including the CARICOM Single Market and Economy ("Revised Treaty of Chaguaramas"). It was signed by Heads of Government of the Caribbean Community on July 5, 2001. The Treaty contains several provisions for the movement of people for the purpose of seeking employment. It also puts in place the institutional framework to promote the protection of workers' rights within the CARICOM region.

32. Article 17 of the Revised Treaty of Chaguaramas establishes the Council for Human and Social Development (COHSOD) which is comprised of Ministers designated by the Member States. The COHSOD promotes human and social development and is mandated to inter alia, promote the improvement of health; promote the development of education; and promote and develop co-ordinated policies and programmes to improve the living and working conditions of workers and take appropriate measures to facilitate the organisation and development of harmonious labour and industrial relations in the Community.

33. Article 73 of the Revised Treaty of Chaguaramas mandates COHSOD to, inter alia, develop policies that promote the objectives of full employment, improved living and working conditions; adequate social security policies and programmes; tripartite consultations among governments, workers' and employers' organisations; and cross-border mobility of labour; recognition of the principle of non-discriminatory treatment among Community workers in the pursuit of employment within the Community.

34. Articles 45 and 46 of the Revised Treaty of Chaguaramas: pursuant to these Articles Member States committed themselves to the goal of free movement of their nationals within the Community. As part of the efforts to achieve the goal set out in Article 45, Member States agreed to accord to certain categories of Community nationals the right to seek employment in their jurisdictions. Additionally, Member States are obligated to establish appropriate legislative, administrative and procedural arrangements to facilitate the movement of skills within the contemplation of the Treaty and to provide for movement of Community nationals into and within their jurisdictions without harassment or the imposition of impediments.

35. In addition, Jamaica ratified the *Protocol Against the Smuggling of Migrants by Land, Air, Sea and Air* supplementing the *United Nations Convention against Transnational Organized Crime* in September 2003.

Reply to paragraph 2 of the list of issues

36. The National Policy on International Migration and Development was adopted by Cabinet and tabled in Parliament in June 2017 as a White Paper. An accompanying five-year plan of action was also formulated to guide policy implementation that is time bound and measurable. Resources are allocated in annual consolidated budgets to facilitate implementation of actions. The budget allocated by the Government of Jamaica is based on the annual work plan and ranges from J\$24 million to J\$43 million. Specific support in the form of technical and/or financial resource mobilization is also made through international development partners (See Appendices I, II, III and IV).

37. The Labour Mobility and Development section of the Implementation Plan matrix (Outcome 4.1) focuses on the issues related to migrant workers and their families and identifies a number of areas for action.

Reply to paragraph 3 of the list of issues

38. The Planning Institute of Jamaica has substantive responsibility for migration matters and serves as the Focal Point to the International Organization for Migration. Six other Ministries and Agencies of Government, collectively, also address migration matters. They are: Ministry of National Security (MNS), Passport, Immigration and Citizenship Agency (PICA) and the Jamaica Constabulary Force (JCF), the Attorney-General's Chamber, Ministry of Foreign Affairs and Foreign Trade (MFAFT) and the Ministry of Labour and Social Security (MLSS).

39. The Ministry of National Security (MNS) – The role of the Ministry of National Security is to protect and ensure the safety of Jamaica's borders while implementing and operationalizing policies to protect against internal threats. The Jamaica Constabulary Force (JCF), a Department of the Ministry of National Security, is the lead agency with responsibility for enforcing the Trafficking in Persons legislation supported by other Government agencies.

40. The Passport, Immigration and Citizenship Agency (PICA) plays a major role in border control and provides services to include, issuing passports and granting permanent residence and citizen status. This Agency also works closely with the Ministry of Labour and Social Security in relation to the issuing of work permits and exemptions. PICA also liaises with the JCF and the Ministry of Foreign Affairs and Foreign Trade.

41. The Attorney-General's Chambers – The Attorney-General's Chambers provides legal advice to all Government ministries, departments and agencies including advice on the protection of the human rights of all persons living and working in the country.

42. The Ministry of Foreign Affairs and Foreign Trade – The Ministry of Foreign Affairs and Foreign Trade (MFAFT) assists in border control by providing information to those desirous of entering the country, as well as issuing visas according to current guidelines and in collaboration with the PICA. The Ministry promotes and safeguards the interest of Jamaica and Jamaicans overseas. It offers general consular support to Jamaican nationals including on issues specifically affecting migrant workers, through the Ministry’s consular network of Embassies, High Commissions, Consulates General and Consulates. The Ministry of Foreign Affairs and Foreign Trade has responsibility for Jamaica’s Diaspora Policy, which supports the International Migration and Development Policy.

43. The Ministry of Labour and Social Security (MLSS) – The MLSS is mandated to protect the rights of Jamaican workers both locally and overseas. It is responsible for providing guidance to workers and employers in respect of the labour legislation and code. The MLSS processes foreign workers that are being recruited to meet the needs of the local labour market primarily by issuing the necessary work permits and exemptions consistent with national policy and legislation.

44. The MLSS also manages the circular migration of Jamaican workers for temporary employment under the Government’s Overseas Employment Programme. In addition, it licenses, regulates and monitors the operation of private employment agencies which recruit workers for short term employment both locally and overseas.

45. The MLSS and the MFAFT jointly manage a Liaison Service – an extensive, consular like service with offices in Canada and the USA, which provides welfare and protective services to Jamaican workers on the Government’s Overseas Employment Programme. The Service’s comprehensive duties include monitoring the employment situation to ensure that both employers and workers adhere to the terms, conditions and procedures established under the employment contract and where there is nonconformity, provide the necessary guidance to address same. Liaison officers also secure proper housing for workers and ensure that they have adequate healthcare and workers’ compensation in the event of work-related illness or injuries.

46. The National Working Group on International Migration and Development (NWGIMD) is a multi-sectoral body with responsibility for coordinating and providing overall guidance and oversight on matters relating to international migration and development. The committee provides technical input in the monitoring of the implementation of the policy and operates as the primary body with responsibility for managing and coordinating the implementation of the policy. The Group is chaired by the Planning Institute of Jamaica, with the Ministry of Foreign Affairs and Foreign Trade serving as vice-chair. The NWGIMD meets at the technical level quarterly or as deemed appropriate.

47. The responsibilities of the NWGIMD include reviewing and making recommendations on strategic priorities on international migration and development to the International Migration and Monitoring Board. Specifically, the NWGIMD:

- (a) Provides technical advice and policy recommendations on international migration and development to the Government and the Ministers with responsibility for international migration and development;
- (b) Promotes inter-institutional understanding by sharing information and joint needs assessments/analyses of migration and development matters;
- (c) Facilitates a clear division of institutional roles and responsibilities among MDAs relative to their mandated areas of responsibility for international migration and development;
- (d) Coordinates and manages the implementation of the Policy and Programme of Action;
- (e) Operates as a standing committee for the national policy and facilitation of institutional coherence on migration and development issues in Jamaica;
- (f) Facilitates the integration of international migration issues into national and sectoral development policies, plans, and programmes;

(g) Recommends budgetary provisions for the implementation of the Policy as necessary.

48. Sub-committees of the NWGIMD are tasked with the responsibility for the execution of policy goals, outcomes, actions and recommendations within the nine thematic areas covered in the Policy. These working teams represent a merger of priority areas that are closely linked. Each sub-committee will focus on specific priority areas:

- (a) Diaspora, Remittance, Return, Integration, Re-integration and Development;
- (b) Labour Mobility, Family, Migration, Social Protection and Development;
- (c) Public Order, Safety and Security;
- (d) Data, Research and Information Systems.

49. The Ministry of Labour and Social Security serves as chair for the Labour Mobility, Family, Migration, Social Protection and Development Subcommittee. The subject matters of Gender, Human Rights, Governance and Policy Coherence are treated as cross-cutting issues to ensure their integration at each stage.

50. As mentioned previously, the Planning Institute of Jamaica (PIOJ) is the national focal point for international migration and development in Jamaica and provides administrative support through a secretariat located in the Social Policy, Planning and Research Division (SPPRD) (See Appendix V).

Reply to paragraph 4 of the list of issues

51. Qualitative information and statistical data disaggregated by sex, age, nationality and migration status, on labour migration flows are published annually in PIOJ's Economic and Social Survey, Chapter 20 (see Appendices VIII for 2023 data). Population subsection international migration and Chapter 21, Labour Market subsection Labour Migration as well as in the manpower section of the MLSS Annual Performance Reports (see Appendices VI and VII).

52. Ongoing efforts are being made to ensure consistency in the collection of migration data across all relevant agencies via the utilization of meta-data sheets for incorporation in National Migration Database being managed by the Statistical Institute of Jamaica (STATIN).

Reply to paragraph 5 of the list of issues

53. The Ministry of Legal and Constitutional Affairs (MLCA) is currently working towards arriving at a policy position regarding the establishment of a national human rights institution.

54. Jamaica has several entities tasked with monitoring the human rights situation in State. These are independent bodies established by the State which address human rights as a part of their mandate. There are currently four organisations/committees conducting human rights-based oversight and committed to ensuring that Jamaica honours its international human rights obligations: the Office of the Public Defender, the Office of the Children's Advocate, the Independent Commission of Investigations and the Inter-Ministerial Committee on Human Rights.

55. The Office of the Public Defender was established in 2000 to monitor and uphold the rights of citizens against the wrongful acts of government authorities. The Public Defender is empowered to investigate any complaint or alleged wrongful act that has been committed by a government agency or department, and which infringes on the rights of the complainant including Migrant Workers and their families.

56. The Independent Commission of Investigations (INDECOM) was established by the Independent Commission of Investigations Act of 2010 and is empowered to undertake investigations concerning actions by members of the security forces (including the Jamaica Defence Force, when working in tandem with the police) that result in the death or injury to

persons, the abuse of the rights of persons or excessive use of force. The INDECOM Act prescribes procedures for members of the public to make complaints to the Commission regarding incidents of misconduct; and methods of handling complaints. The Commission is funded by Government of Jamaica from the consolidated fund. Complaints made to INDECOM can be resolved by way of recommendations for: Charge, Disciplinary Action, No charge or disciplinary action or recommendation for procedural changes. Complaints can also be resolved informally on initial intervention by informal resolution or withdrawal. INDECOM has toll free numbers that persons can contact to log a complaint, these are 1-888-991-5555 (FLOW), 1-888-935-5550 (DIGICEL). During the reporting period INDECOM had not have any cause to or requested to deploy Investigators to any Migrant Detention Centre or to investigate a complaint from a migrant worker.

57. The Office of the Children's Advocate (OCA) is an independent and autonomous statutory body that advocates for child rights. One of the core functions of the Office is to identify, investigate and report to Parliament on instances where the rights of children have been infringed by Government ministries, departments or agencies. The OCA also supports children who are in need of legal representation and who cannot otherwise afford it.

58. The Inter-Ministerial Committee on Human Rights (IMCHR) is an inter-government agency body tasked with the responsibility of considering national human rights issues, facilitating dialogue among stakeholders including civil society organisations and ensuring Jamaica complies with its reporting UN treaty body reporting obligations. The Ministry of Foreign Affairs and Foreign Trade serves as the Secretariat and the Committee meets quarterly.

Reply to paragraph 6 of the list of issues

59. Jamaica has undertaken several initiatives to promote and publicize the all human rights conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families among various stakeholders:

(a) Dissemination of National Laws: the government focuses on informing the public about national laws that incorporate the Convention's provisions. This approach ensures that individuals are aware of their rights and obligations under domestic legislation;

(b) Additionally, in 2013, The International Organization for Migration (IOM) Kingston supported by the Ministry of Youth and Culture, Ministry of Education, Youth Empowerment Officers and School Guidance Counsellors launched a campaign to promote safe migration among vulnerable Jamaicans, especially children. This initiative aimed to educate potential migrants about the risks associated with irregular migration and the importance of making informed decisions (<https://www.iom.int/news/public-awareness-campaign-launched-jamaica-protect-vulnerable-migrants>);

(c) Public Awareness Campaigns: information on redress mechanisms for rights violations is disseminated through bulletins, guidelines via the Jamaica Information Service, and radio programs, which are effective in reaching a broad audience;

(d) Judicial Training: judges receive general human rights training that encompasses all international human rights instruments to which Jamaica is a party, including those related to migrant workers.

60. The MLSS, in 2019, began to include a segment on human rights, an effort to improve the pre-departure orientation session for migrant workers who participate in the Ministry of Labour and Social Security's Overseas Employment Programmes. Also in the same year, approximately 60 front line migration workers were trained in trafficking and smuggling and material developed and made available to migrant workers who accessed these services. Since 2023 all workers are being provided updated information on their rights and responsibilities as migrant workers. The information includes contact details for the respective authorities in the United States and Canada, as well as the Liaison Offices which workers may call if they are in situations where they feel that their rights are being violated. Workers who travel to Canada are provide with a WhatsApp number to facilitate quick access to the Liaison Service.

Reply to paragraph 7 of the list of issues

61. Current collaboration with civil society groups around migrant issues is primarily with those providing support for involuntary return migrants and their reintegration into the Jamaican society. There is room for consideration for establishing advocacy groups to support/advocate for the rights of migrant workers, e.g., migrant workers in the agriculture and hospitality sectors.

62. Civil society groups have been able to respond to these issues through their participation in the sub-committees of the NWGIMD as well as through other governance mechanisms facilitated by the Ministry of National Security (MNS). Civil society groups are also invited to have dialogue with the IMCHR on a regular basis.

63. The Jamaica Constabulary Force (JCF) reported that there are no cases of threats, harassment and attacks against human rights defenders that are currently under active investigation. Such attacks are considered offences against the person and once reported or detected, the matter will be thoroughly investigated and the offender prosecuted. Assertions that the freedom of the press is threatened is unfounded and incorrect. In fact, Jamaica moved up eight places in the 2024 World Press Freedom Index and is now the number one ranked country in the Caribbean. The country now ranks 24 out of 180 nations in the 2024 with a score of 77.3. Jamaica was ranked 32 in 2023's index.

Reply to paragraph 8 of the list of issues

64. The Government of Jamaica through the Ministry of Labour and Social Security has responsibility for the monitoring of Private Employment Agencies under the Employment Agencies Regulation Act, 1957 and it is supporting Regulations.

65. The Employment Agency Unit (EAU), a department of the MLSS, is charged with monitoring employment agencies. The Employment Agencies Regulation Act stipulates that persons seeking to engage in the recruitment of persons for employment whether locally in Jamaica or in foreign countries, be licensed.

66. As of March 2025, there are fifty-three (53) Licenced Overseas Employment Agencies and eleven (11) applications submitted for processing of licence to place persons overseas which are in 7 categories of programme type as detailed below:

- (a) J1 Student Work and Travel;
- (b) H2B Seasonal Hotel Programmes;
- (c) Seafarers;
- (d) H-1B U.S Work Permit (High Skilled professionals (Degree) Programmes);
- (e) Q1 U.S Work Permit (International and Cultural Exchange);
- (f) H-3 U.S Work Permit – (Trainee, Special Education Visitors Programme);
- (g) Canada Skilled Work/Low skilled work/TFWP Canada Work Permit (Work Programmes in Canada);
- (h) Variety of employment in different countries.

67. In addition, there is a total of fifteen Licenced local employment agencies and two (2) applications were submitted for processing of licences to place persons locally for the period in question.

Reply to paragraph 8 (a) of the list of issues

68. The measures taken to provide information and training to migrant workers are:

(a) The Agencies mandate that persons taking up employment are oriented (J1) or trained (new H2B workers);

(b) Embassies provide a pamphlet outlining rights and relevant contacts details, for successful applicants.

69. In addition, Jamaica has issued bulletins and guidelines via the Jamaica Information Service, printed media and radio that provides information on the measures to take when a particular situation arises. Such information, although not particular to migrant workers, is general in nature and captures all persons working and living in Jamaica. It should be noted that where a specific violation is brought to the attention of the MLSS, a statement may be made to the public reminding of their rights and obligations. As relates to breaches of labour laws, the Pay and Conditions of Employment Branch (PCEB) of the Ministry of Labour and Social Security receives complaints from workers and employers and seeks to assist workers in accessing redress where breaches are identified, and the employer fails to co-operate. The PCEB also provides guidance as to the provisions in labour law.

Reply to paragraph 8 (b) of the list of issues

70. Recruiters do not assume joint liability with employers for claims and liabilities that may arise in connection with the implementation of an employment contract. The employers are required to obtain insurance coverage for workers which covers liabilities arising from death or illnesses that may arise under the contract. As such where death occurs during the period of the contract of employment, contact is made with the sponsors to arrange for settlement by the insurers.

Reply to paragraph 8 (c) of the list of issues

71. Pursuant to the Employment Agencies Regulation Act (<https://mlss.gov.jm/wp-content/uploads/2020/09/The-Employment-Agencies-Regulation-Act.pdf>), persons interested in operating employment agencies are required to apply for a licence using the prescribed forms stipulated in the Act. In addition, persons who are renewing said licence are required to bring an application for renewal. These applications are considered by the MLSS and once satisfied that the requirements are met and the relevant due process is complete, the licence is issued to the applicant. Applications for licence are received throughout the year and are processed accordingly. Appendix VII provides information on the Number of Licences (New and Renewal) issued to Operators of Private Employment Agencies over the Period 2014–2024.

72. Persons applying for a licence are also required to provide the MLSS with a police report and solvency status and to show proof of the available jobs to which the workers will be assigned. Licences are granted for a one (1) year period which must be renewed on the anniversary date of issuance, if the employment agencies are desirous of continuing to offer such services.

73. It should be noted that operating without a license is a criminal offence.

Reply to paragraph 8 (d) of the list of issues

74. Once a complaint has been lodged against an employment agency, it is the responsibility of the MLSS to investigate the complaint and to seek to resolve the issues. Where the investigation reveals that there was a breach of the Employment Agencies legislation which cannot be resolved through the intervention of the MLSS, the matter is reported to the police and is thereafter resolved in the courts.

75. The legislation provides that a person commits an offence where he/she:

(a) Obtains a licence or transfers or renews a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by the Act; or

(b) Refuses to permit any Inspector to enter or inspect any premises which are being used or is reasonably believed is being used for the purposes of or in connection with an employment agency or to examine the entries required to be made in the records kept in connection with the employment agencies carried on therein, or obstructs him in the execution of his duty; or

(c) Without reasonable cause or excuse, fails:

(i) To comply with any request of an Inspector or;

(ii) To answer any question put to him by an Inspector or;

(iii) To keep the licence and a copy of the regulations exhibited in a conspicuous place on the premises.

76. Persons convicted of these breaches are liable to be fined Five Hundred Thousand Jamaican Dollars (J\$500,000) or imprisonment with or without hard labour for a term not exceeding six (6) months. Additionally, the legislation provides that where a person is convicted of an offence under the Act, the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence. The legislation, however, makes provision for such affected persons to appeal the decision.

77. Further, obligations are also created under the Employment Agencies Regulations 1957 that is, persons who contravene or fail to comply with the provisions of the Regulations are liable to a fine not exceeding two hundred and fifty thousand Jamaican dollars (J\$250,000) or imprisonment with or without hard labour for a term not exceeding three months.

78. As it relates to inspection, employment agencies are inspected on a quarterly basis. Included in this inspection is the examination of receipt books. Where the inspection reveals that the employment agency conforms to the legislation, the MLSS certifies that said entity is compliant. It should be noted that interviews are also conducted to ensure that the operators are being compliant. See table below with the number of complaints received from the public in relation to the operation of private employment agencies during the period 2014–2024.

Number of complaints received (2014–2024)

Years	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
No. of complaints	90	105	240	380	200	182	119	72	75	160	9

79. For the financial year 2018–2019, a total of one hundred (100) complaints were investigated and resolved. Furthermore, during the financial year 2021–2022, forty-five (45) complaints were investigated and settled. As of 2024, nine (9) complaints have been investigated and resolved. Over the period from 2014 to 2024, while assisting the Police Fraud Squad, there were sixteen (16) prosecutions. Due to challenges in data availability resulting from the lack of data submission, prosecution data spans the period from 2021 to 2024.

80. See table below with the number of person's prosecuted year during the period 2021–2024.

Number of person prosecuted (2021–2024)

Years	2021	2022	2023	2024
No. of complaints	1	3	11	1

Reply to paragraph 8 (e) of the list of issues

81. The MLSS seeks to convene at least two meeting annually with the operators of employment agencies, notwithstanding ensuring to have at least one meeting a year. The purpose of this meeting is to strengthen migration regulation and control mechanisms. During these meetings new developments and policies are discussed which include strategies for the protection of migrant workers. The MLSS also reminds the operators of the provisions of the legislation and advise them of the consequences of non-compliance which is clearly addressed in the legislation.

82. The legislation is being reviewed with the intention to strengthen same.

Reply to paragraph 9 of the list of issues

83. As earlier indicated, the Convention is not automatically incorporated into Jamaican law. Therefore, it would not be applied directly by officials in administration or invoked directly before the courts, however once the provisions of the Convention are not in contradiction with domestic law, those provisions can offer guidance to administrators and judges.

Reply to paragraph 9 (a) of the list of issues

84. The judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers are as follows:

(a) Where the complaint/dispute is in relation to labour relation matters and falls within the purview of the Labour Relations and Industrial Dispute Act (LRIDA) the MLSS intervenes in the matter with a view to assisting the parties in resolving same through conciliation. Where there is no resolution, the dispute is elevated to the Industrial Disputes Tribunal to be resolved;

(b) Complaints received by the Employment Agencies Unit are investigated and the Ministry seeks to assist the parties to resolve the concerns through mediation;

(c) If the matter is not one that falls within the scope of the LRIDA, the worker may seek redress in the civil courts or the offender is prosecuted in the criminal courts, where the complaint arose by the breach of the legislation.

Reply to paragraph 9 (b) of the list of issues

85. The Government of Jamaica is unable to provide data on the types of complaints examined by the abovementioned mechanism, as the MLSS manages complaints on a case-by-case basis, details are not recorded of if the complainant is a migrant worker.

86. The GOJ has identified the gap in data collection and will make the necessary changes in the future to collect the required information.

Reply to paragraph 9 (c) of the list of issues

87. The Ministry of Labour and Social Security does not provide legal assistance. However, the complainant would be informed to seek legal advice or to report the matter to the police depending on the circumstances of the report.

Reply to paragraph 9 (d) of the list of issues

88. Compensation has been ordered by the courts as a remedy in some cases. However, due to capacity constraints the MLSS does not collate that information.

Reply to paragraph 9 (e) of the list of issues

89. As it relates to the measures taken to inform migrant workers about remedies available for violations of their rights, Jamaica has issued bulletins and guidelines via the Jamaica Information Service, printed media and radio that provide information on the measures to take where a particular situation arises. Such information although not particular to migrant workers, is general in nature and captures all persons working and living in Jamaica. It should be noted that where a specific violation is brought to the attention of the MLSS, a statement may be made to the public reminding of their rights and obligations. As it relates to breaches of labour laws, the Pay and Conditions of Employment Branch (PCEB) of the Ministry receives complaints from workers and employers and seeks to assist workers in accessing redress where breaches are identified, and the employer fails to co-operate. The PCEB also provides guidance as to the provisions in labour law.

Reply to paragraph 10 of the list of issues

90. The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act was enacted 2011.

91. Of note, Section 13 (3) (i) of the Constitution guarantees the right to freedom from discrimination on the ground of (i) being male or female; (ii) race, place of origin, social class, colour, religion or political opinions.

92. It should be noted that Jamaica has also ratified the:

- (a) American Convention on Human Rights;
- (b) Convention on Elimination of All Forms of Discrimination Against Women;
- (c) Convention on the Rights of the Child;
- (d) International Convention on Elimination of All Forms of Racial Discrimination;
- (e) Convention on the Rights of Persons with Disabilities;
- (f) International Covenant Economic, Social and Cultural Rights; and
- (g) International Covenant on Civil and Political Rights.

93. Importantly the Constitution specially protects the freedom from discrimination on the basis of being male or female, and on the basis of race, place of origin, social class, colour, religion or political opinions. The Disabilities Act is another example where the freedom from discrimination is captured in legislation. In addition, the Government of Jamaica (GOJ) is currently in the process of amending the immigration legislation – The Aliens Act and the Immigration Restriction (Commonwealth Citizens) Act to reflect more accurately its policy position on non-discrimination.

Reply to paragraph 11 of the list of issues

94. The National Task Force against Trafficking in Persons (NATFATIP), established in 2005, leads the Government of Jamaica's efforts to coordinate, implement, monitor and evaluate the national response to Trafficking in Persons. The Task Force employs various legislation and policy, to prevent the commission of the offences identified to be answered.

Legislative measures

Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007 (TIP ACT)

95. This Act as amended in 2013, 2018 and 2021, include provisions that:

- (a) Criminalize the offence of trafficking in persons – defines the main elements contained in the commission of the offence; describes the different forms of exploitation,

addresses the matter of consent, which is not a defence; and investigative tools for prosecution;

(b) Stipulate specific measures to be employed in identifying and protecting victims, assistance in criminal proceedings, housing, medical immigration, non-governmental collaborations and repatriation;

(c) Include specific provisions that relate to most of the main focus areas of the Palermo Protocol: sex trafficking, labour trafficking, victim assistance, investigative tools/asset forfeiture and access to civil proceedings.

Child Care and Protection Act (CCPA)

96. Section 10 of this Act prohibits the sale or trafficking of children. It states that “No person shall sell or participate in the trafficking of any child”. A person who commits this offence is liable on conviction on indictment before a Circuit Court, to a fine or imprisonment with hard labour for a term not exceeding ten (10) years or to both fine and imprisonment. It is noteworthy that before the enactment of the TIP Act, the CCPA prescribed measures governing the trafficking of children. Importantly, Section 10 of the CCPA requires reconciling with the TIP Act, which stipulates a penalty of up to twenty (20) years imprisonment. Additionally, section 9 of the CCPA prohibits cruelty to children and creates an offence in that regard.

Sexual Offences Act (SOA)

97. Sections 3, 4, 8, 9, 10, 18, 20, 21 and 23 of the SOA cover the offences of rape, grievous sexual assault, sexual touching or interference, sexual grooming of a child, sexual intercourse with a person under sixteen (16) years, abduction of a child with intent to have sexual intercourse with a child and living on the earnings of prostitution respectively. These offences may be prosecuted alongside trafficking offences.

Child Pornography (Prevention) Act

98. Sexual exploitation as defined in Section 2 of TIP Act includes the production of child pornography or other pornographic material. Where child pornography is produced or distributed, the Child Pornography (Prevention) Act can be used to prosecute relevant offences as well. Section 3 of that Act stipulates that the use or involvement of a child in the production of a child pornography in Jamaica or elsewhere is a criminal offence. Section 4 prohibits the production, distribution, importation, exportation and possession of child pornography. Additionally, any person having the custody, charge or care of a child, who allows the child to be used in the production of child pornography commits an offence. Also of importance under this Act is Section 7, which makes it a criminal offence to receive a financial benefit from the use of a child in pornography.

Proceeds of Crime Act

99. Jamaica’s TIP Act includes provisions related to asset forfeiture. Section 6 of the TIP Act includes a provision which states that where a person is convicted of the offence of trafficking in persons, the Court shall in the same proceedings in which the person is convicted of the offence, order the person to pay restitution to the victim. Subsection 3 states that restitution shall be paid to the victim from any property of the convicted person, including as far as possible, property forfeited under the provisions of Jamaica’s Proceeds of Crime Act for an offence of trafficking in persons or the proceeds thereof. The Proceeds of Crime Act is, therefore, a companion legislation that supports the TIP Act.

Domestic Servitude

100. Diplomatic and consular personnel are exposed to TIP Training on a regular basis at the Ministry of Foreign Affairs and Foreign Trade (MFAFT). The session is conducted by an expert trainer and personnel to be assigned overseas are particularly targeted for this orientation and immersion.

101. Jamaican diplomats are routinely provided with information on the regulations relating to the employment of domestic workers applicable to the territory to which they are assigned. The USA, Canada and the United Kingdom (UK) have very stringent guidelines concerning the criteria for the employment of domestic workers by diplomats sent to these countries. These guidelines serve as a control in preventing instances of domestic servitude. For example, formal employment contracts must be signed and agreed by the employees (domestic worker) and the employer (the domestic representative).

102. Ten (10) staff members of the MFAFT were selected and trained as “Trainers of Trainers” with a view to facilitating periodic sessions on Domestic Servitude. Additional training sessions were held on Monday February 27, 2017 and Tuesday February 28, 2017, whereby thirty (30) staff members, including Foreign Service Officers, received training in Human Trafficking.

Capacity Building

103. There is ongoing sensitization with key stakeholders from various sectors, for example the Hotel and Tourism Sector, to assist in combating the commission of the offence. Massage parlour workers are also periodically sensitized on Human Trafficking.

104. In addition, under local legislation, migrant workers and their families lawfully in Jamaica are accorded free movement in and out of Jamaica. Provision is also made administratively for the process by which persons are admitted/landed within our borders. These include:

- (a) The Aliens Act;
- (b) Ministerial Waivers and MOUs;
- (c) Immigration Restriction (Commonwealth Citizens) Act.

105. Jamaica does not prevent persons, including migrant workers, within its borders from departing via authorized ports and in accordance with civil aviation stipulations, unless they are ordered not to depart by an Order of the Court. Jamaica also does not prevent persons, including migrant workers, within its borders from returning to their countries of origin and does not place a condition on their stay in their State of origin. Furthermore, the provisions of Article 9-13 of the Convention are protected under domestic legislation. The Constitution and the security forces protect citizens and migrants on an equal basis.

Reply to paragraph 12 of the list of issues

106. The measures taken by the Government of Jamaica to combat racism and xenophobia, discriminatory conduct, ill-treatment and violence directed at migrant workers and members of the families include:

- (a) Sensitization sessions with those working in the sectors where most migrant workers are employed;
- (b) Sensitization sessions on migration by the Ministry of Education and Youth at the primary and secondary levels, including through the contribution of migrant groups;
- (c) Periodic sensitization sessions at the community level as well as youth participation in competitions that speak to these areas.

107. In addition, Jamaica has a party to the Convention on the Elimination of Racial Discrimination (CERD) continues to implement measures to eliminating racial discrimination in all its forms.

108. In Jamaica, the Constitution, legislation and the common law provides a basis for the prosecution of the incitement to or acts of discrimination.

109. The Offences Against the Persons Act was amended in 2014 to include new subsections 18A (1) and (2) which provide that: “A person shall not produce, record, sell, import, perform in public, circulate or play a recording of, an audio, visual, or audiovisual communication that – (a) promotes the killing of or other serious act of violence against any

other person or category or group of persons [...]” and a person who contravenes this provision commits an offence. Under the Act, “an audio, visual, or audiovisual communication” includes “a programme, report, advertisement or other thing communicated by means of television, radio, the Internet or any other form of electronic communication”.

110. Moreover, under section 9 of the Cybercrimes Act it is an offence if a person uses a computer to send another person any data that constitutes a threat or is menacing in nature and with the intention to harass any person or cause harm, or the apprehension of harm, to any person or property. Also, under section 12, a person who intentionally incites, attempts, aids or abets the commission of, or conspires to commit, the abovementioned offence also commits an offence.

111. While these provisions in national legislation are not specific to racial discrimination, they are applicable provisions that criminalizes the incitement of violence against others or a category of persons, and thus includes a racial or ethnic group.

Reply to paragraph 13 of the list of issues

112. The Government of Jamaica provides translator, legal representation, free medical care in public facilities and social services through state agencies as necessary.

113. Additionally, Migrants who are arrested are afforded due process akin to those afforded to Jamaicans arrested including the right to legal representation. Migrants in legal custody are the responsibility of the State and their well-being is paramount, this includes access to medical care as requested or needed. Additionally, illegal migrants when interviewed by immigration personnel are accompanied by an interpreter as a standard operating procedure.

114. Expulsions are not arbitrary but are usually the outcome of a court order or a Ministerial order based on the recommendation of the court, hence a product of due process.

115. Depending on the result of the administrative infractions, the GOJ through the LRIDA provides mechanism for redress through the MLSS & the Industrial Dispute Tribunal.

Reply to paragraph 14 of the list of issues

116. The detention of an Alien under Section 9 (4) of the Aliens Act “be placed temporarily on shore and detained at some place approved by the Minister” is not relating to detention of migrant workers and refers to designated area provided for detention on the vessel in which the Alien arrived or designated areas for inspection of foreign nationals at the ports at which are separate and distinct from facilities under the prison system.

117. Compliance of migrant workers is extremely high in Jamaica and there are rarely cases of detention unless in custody for breach of the law in which case they are detained in the detention areas with other individuals who commit crimes. There is no available disaggregated data of such cases.

118. The Immigration authorities do not detain children in immigration inspection areas. All cases which warrant the safe keeping of children are handed over to the state entities with responsibility for child safety and protection (the Child Protection & Family Services Agencies (CPFSA) and Centre for Investigation of Sexual Offences and Child Abuse). Additionally, unaccompanied minors are kept under the guardianship of the vessel/aircraft or their agents, on which the minor arrives until guardianship is handed over to the minor’s legal guardian in Jamaica.

119. As a standard operating procedure, all illegal migrant minors in state care are placed under the care and supervision of the Child Protection and Family Services Agency (CPFSA). The facilities for minors are separate from prisons.

120. The State currently has temporary facilities at Camp Cape Clear that houses illegal migrants including families with children. We do not have unaccompanied minors in custody.

Reply to paragraph 15 of the list of issues

121. Section 6(1) (a) of the Deportation (Commonwealth Citizens) Act, specifically states that, “No deportation order...shall be made under this Act except – (a) where a court has in accordance with the provisions of this Act given a certificate recommending that an order should be made”. Subsection (2) states, “When making an order under this Act the Minister [with responsibility for National Security] shall have regard to the findings of fact and any conclusions of law as stated in the Judge’s report”. Therefore, the expulsion of any migrant worker and the dependent members of their families from Jamaica requires a conviction in court of an extraditable offence or, in accordance with Section 15 (6) (d) of the Aliens Act, “if the Minister [with responsibility for National Security] deems it to be conducive to the public good to make a deportation order against the alien”. Decisions under the Deportation (Commonwealth Citizens) Act can be reviewed and appealed – *Shadrach Momah v R* – [2013] JMCA Crim 52.

122. Similarly, section 15 of the Aliens Act outlines the procedures and legal requirements for the deportation of an alien which has lawfully landed in Jamaica, including a deportation order.

123. It is to be noted that, all deportations/ removals/ expulsions are not arbitrary but are usually the outcome of a Court Order or a Ministerial Order based on the recommendation of the competent Court, hence a product of due process. While the Act empowers the Minister to make an Order independent of the Court, this is reserved in consideration of threatened Public Order and Public Safety.

Reply to paragraph 16 of the list of issues

124. During the period 2018 to 2020 the following foreign nationals were repatriated for labour related breaches. It should be noted that cases of undocumented and irregular migrant workers in the Jamaican context not predominantly include family members, therefore the repatriation cases indicated below include single individuals.

<i>Nationality</i>	<i>Gender</i>	<i>No. Case (s)</i>	<i>Year</i>	<i>Offence (s)</i>
Chinese	Male (1) Female (2)	3	2019	No work permit Overstaying
Nigerian	Female	1	2019	Working without a permit Failure to comply with the instruction of an Immigration Officer
Chinese	Female	1	2018	Living off the proceeds of prostitution

125. Following the 2010 earthquake the GoJ recorded an increased number of Haitian migrants, the table below shows information for documented cases between 2010–2023.

<i>Year</i>	<i>Cases</i>	<i>Place of Custody</i>	<i>Offences/Status</i>	<i>Total</i>
2023		NGO Shelter	Illegal Entry	38
2020	6	Correctional Facilities	Illegal Entry	6
2019	4	NGO Shelter	Rescued at Sea	
	9	Correctional/Remand Facilities		
	3	Correctional/Remand Facilities		16
2018	12	Correctional/Remand Facilities		12
2010		NGO Shelter		62

126. The expulsion procedure in relation to Haitian migrants is as follows:

- Haitian migrant detained;
- Detainee given access to contact embassy;
- Identity, nationality and immigration status determined;
- Charged then taken to court;
- Fines paid/Time Served;
- Further detained;
- Ministry of Foreign Affairs and Foreign Trade notified who then notifies the MFA of Haiti;
- Request travel documents;
- Make travel arrangements;
- Notify MFAFT with confirmed travel dates;
- MFAFT notifies MFA of Haiti of travel details and authorization for clearance of charter flight;
- Remove Haitians from area of detention;
- Escort Haitians to Port of Exit;
- Foreign national leaves Jamaica.

127. In practice, Haitian Nationals, rescued at sea by members of the Marine Guard (Jamaica Defence Force or Jamaica Constabulary Force), are sent to necessary health care facilities for assessment. Thereafter they are referred to the Immigration Services for processing.

128. During the interview with immigration, they are afforded a translator and legal representation, if necessary. Legal representation and social services are provided through other State Agencies. There are instances where Haitians have applied for refugee status and are processed in keeping with the UNHCR adopted standards and the Refugee Policy of Jamaica. In such cases, accommodation and social needs continue until a decision has been made.

129. In extenuating circumstances, for example upon conducting the identity verification of individual, he/she has an outstanding warrant for arrest and processed according to the information of the warrant.

130. A Haitian found on the island and who would have entered illegally is usually placed in a detention correctional facility pending trial for illegal entry or any other offences committed. However, there are instances where a person may be housed at a NGO shelter facility or released in the care of family members pending due process including evaluation of their eligibility for refugee status or other form of protection, or the regularization of their status.

Reply to paragraph 17 of the list of issues

131. There is no intention to decriminalise irregular migration.

Reply to paragraph 18 (a) of the list of issues

132. The Deportation (Commonwealth Citizens) Act of 1942 empowers Jamaican authorities to deport Commonwealth citizens who are deemed “undesirable persons,” defined as individuals conducting themselves in a manner dangerous to peace, good order, good government, or public morals.

133. The Immigration Restriction (Commonwealth Citizens) Act of 1945 further supports this by allowing the Minister to declare a Commonwealth citizen as an undesirable person if they are deemed dangerous to the peace, order, and good government of Jamaica, or on other public interest grounds. Such individuals can be classified as prohibited immigrants and may be removed from the island.

134. Where a migrant worker has been convicted by a Court of Law under the Trafficking in Person Act e.g. living off the proceeds of prostitution, he/she may be considered to have conducted himself as to be dangerous to good governance or public morals, as provided by under the deportation (Commonwealth Citizens) Act. There are no such documented cases of deportation at this time.

Reply to paragraph 18 (b) of the list of issues

135. In addition to Court deportation orders, the Minister also has discretion under the relevant immigration legislation (including pursuant to Section 15(2) of the Deportation (Commonwealth Citizens) Act, to order any foreign national deported based on information received that this national maybe undesirable, that is, he may pose a threat to public health or safety and security of the general populace. In this instance, the Minister may make a deportation order on the recommendation of the Passport, Immigration and Citizenship Agency exhibiting the conviction record from a Court of law in relation to a foreign national.

The Deportation (Commonwealth Citizens) Act

136. Subject to the provisions of this Act, the Minister may, if he thinks fit, make a deportation order in respect deportation of an immigrant Commonwealth citizen who does not belong to the Island and who is:

- (a) A convicted person in respect of whom the court certifying to the Minister that he has been convicted recommends that a deportation order should be made in his case, either in addition to or in lieu of sentence; or
- (b) An undesirable person; or
- (c) A destitute person; or
- (d) A prohibited immigrant.

Reply to paragraph 18 (c) of the list of issues

137. Persons who are subject to a Deportation or Removal Order are not expected to pay for their repatriation expenses or maintenance pending their departure. Such persons are housed at a government facility where the necessary social maintenance is provided until their departure.

138. There are exceptions as it relates to places of accommodation when needs include e.g. pregnancy or post-natal care or disability. In such instance, special accommodation is provided whether at a shelter facility, or their conditional release in the care of family members or sponsor. Where such person or family wish to pay for travel expenses they may do so of their own volition.

139. Migrant workers in an irregular situation are charged for the offence committed and taken before the Court. In instances where a group of migrants are found to be in breach of Jamaica laws, they are charged, their cases assessed by the appropriate authority (the Court), and convicted individually. Upon conviction, each is the subject of a Deportation or Removal Order.

140. Furthermore, where a migrant worker is found to be in an irregular situation the provision of Section 7(3) of the Alien Act applies, which states that, “[a]n alien who fails to comply with any condition attached to the grant of leave to land or imposed by way of variation of any condition so attached, or an alien who is found in the Island at any time after the expiration of the period limited by any such condition, shall for the purpose of this Act

be deemed to be an alien to whom leave to land has been refused.” In addition, pursuant to Section 20(1) (a) of the Aliens Act, “if any alien, having landed in the Island in contravention of section 5, is at any time found within the Island, he shall be guilty of an offence against this Act.” Section 5 of the Act states that, “Subject to such exemptions as may be made by the Minister of National Security under section 17, an alien coming from outside the Island shall not land in the Island except with the leave of an immigration officer.”

141. Migrant workers who are not Commonwealth citizens are within their rights to appeal to the Minister of National Security to challenge their expulsion. In such instances, once the appeal has been made, their removal is suspended pending the Minister’s decision.

Reply to paragraph 19 of the list of issues

142. Jamaica, through the Ministry of Foreign Affairs and Foreign Trade’s consular network of Embassies, High Commissions, Consulates General and Consulates, offers general consular support to Jamaican nationals on issues specifically affecting migrant workers. Jamaica’s Consular Officers provide emergency assistance in cases of crisis or natural disasters in the locales where migrant workers are situated. They also ensure that the whereabouts, safety and general well-being of migrant workers are safeguarded. In cases of arrests and detentions, Missions seek to protect the welfare of migrants, by:

- (a) Notifying the migrant workers’ next-of-kin;
- (b) Conducting consular visits to detainees to ensure that they do not face discrimination and abuse due to their migrant status;
- (c) Providing lists of lawyers or directing the migrant workers to legal aid if allowed by the authorities;
- (d) Advising them of their rights and responsibilities;
- (e) Liaising with the Passport Immigration and Citizenship Agency/Ministry of National Security of Jamaica to verify the workers’ identity in cases where they have lost their passport or other national identity documents and issuing travel documents to facilitate their return to Jamaica.

143. Additionally, as it relates to those workers facing expulsion, it is ensured that they are provided with accommodation and other support, which includes medical attention on arrival in Jamaica. In cases of reported workplace abuse or exploitation, Missions collaborate with Liaison Offices staffed by the MLSS in the US and Canada. In other countries, such cases are directed to partner international agencies, NGOs and other activist organisations interested in the welfare & rights of migrant workers.

Reply to paragraph 20 of the list of issues

144. Please refer to the response at paragraph 14 on page 19.

Reply to paragraph 21 of the list of issues

145. Efforts are being made for Jamaica to be compliant with ILO Equal Remuneration Convention, 1951 (No.100). In that regard, the Government of Jamaica through the Ministry of Labour and Social Security commenced a review of the Convention and the Employment (Equal Pay for Men and Women) Act, 1975 to identify the gaps in its legislative framework. As part of its efforts the Ministry will conduct a comparative analysis to identify best practices both regionally and internationally to inform its legislative reform.

146. In relation to protection from dismissal, since March 2010 non-unionized workers (including migrant workers) can access the Industrial Disputes Tribunal (IDT) to seek redress where they have been unjustifiably dismissed.

147. As it relates to ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation (1958), Chapter III of the Constitution of Jamaica is the premier

legal instrument protecting the fundamental Rights and Freedom of all members of the society including workers. These rights include the right to freedom from discrimination on the grounds of being male or female, race, place of origin, social class, colour, religion or political opinions; the right to protection from torture, or inhuman or degrading punishment or other treatment.

Reply to paragraph 22 of the list of issues

148. Migrant workers and members of their families like Jamaican nationals have access to free health care in public medical facilities (hospitals/clinics). Pursuant to the Child Care and Protection Act, 2004, “Every person having the custody, charge or care of a child between the ages of four and sixteen years shall take such steps as are necessary to ensure that the child is enrolled at, and attends, school.” In that regard, the Ministry of Education and Youth provides universal access to primary and secondary education. Thus, there is no restriction or discrimination regarding the admission of students/children, including children of migrant workers and their families, to public educational institutions, once the relevant requirements for admission pursuant to the Regulations are met.

149. Under the Education Regulations, 1980 (“the Regulations”), the Regulations governing the admission of students, age of admission and procedural requirements for admission, respectively are:

“23. – (1) A student who is being admitted to a public educational institution for the first time shall normally be admitted at the beginning of a school year but if special circumstances so warrant, such student may be admitted at any other time.

(2) Subject to the provisions of these Regulations, no person who is eligible for admission as a student to a public educational institution shall be refused admission thereto except – (my emphasis)

- (a) on the ground that accommodation is not available in that institution; or
- (b) on any other ground, approved by the Minister either generally or in any particular case.

24. – (1) The minimum age admission as a student of a public educational institution shall be as follows –

- (a) pre-primary school – four years;
- (b) primary or all-age school – six years;
- (c) secondary school – eleven years;
- (d) technical school – thirteen years;
- (e) vocational school – fifteen years;
- (f) agricultural vocational school – fifteen years.

(2) For the purposes of this regulation a student shall be regarded as having attained the requisite age in any year if he will attain that age on or before the 31st December in that year.

25. A student shall not be admitted for the first time to a public educational Institution unless –

- (a) he is, at the time of such admission, accompanied by his parent or some other responsible person who is able to give the information required for the register of students; or
- (b) he brings with him, at the time of such admission. a written statement from his parent giving the information required for the register of students; or
- (c) his admission is approved by the principal who shall record the reasons for such admission in the register of students.

150. It must be noted that under the Public Health (Immunization) Regulations, 1986 children are required to be immunized before admission into school.

151. The Constitutional right to publicly funded tuition in a public educational institution at the pre-primary and primary levels is reserved for children of Jamaican citizenship. However, the Government currently operates a tuition free policy at both primary and secondary level that has no exclusion on the basis of being a citizen.

152. By virtue of the National Insurance Act, once a worker is qualified for a benefit under the National Insurance Scheme, the worker would be entitled to said benefit even if he/she works in the informal sector.

153. The PATH Programme is a benefit provided to the most needy and vulnerable families living in Jamaica. In that regard, there are no barriers to migrant workers' applying for Programme. It should be noted, however, that to qualify for PATH, an applicant must satisfy the eligibility criteria of the Programme that he/she is a member of a poor family. This is done through the application of a Proxy Means Test. The applicant is interviewed and an application is completed with the help of a MLSS personnel. The applicant is asked to provide personal data pertaining to his/her family, including levels of education attained, and the family's access to basic social amenities.

154. On the basis of the information submitted and the application of the electronic Beneficiary Identification System (BIS), families who meet the established criteria are selected. Information provided at the interview is later verified by a home visit, after which qualified applicants are registered to begin receiving payments.

Reply to paragraph 23 of the list of issues

155. Under various pieces of Jamaican legislation, there is no discrimination against foreign nationals and stateless persons would, therefore, receive protection under the various national laws. While there is no pre-existing legal or administrative framework in place to specifically address issues relevant to stateless persons, Jamaica has ratified the following International Conventions and has put in place safeguards that could be used as a means of protection to stateless persons under the:

- (a) International Covenant on Civil and Political Rights (ICCPR);
- (b) Constitution of Jamaica and the Charter of Fundamental Rights.

156. Under Chapter Two of the Jamaican Constitution, persons born in Jamaica (*jus solis*) and persons born outside of Jamaica of Jamaican descent have a right to claim Jamaican citizenship (*jus sanguinis*). In addition, the Jamaican Nationality Act also allows for the renunciation of citizenship by persons over the age of majority upon the assurance of citizenship in another country. Jamaica has also acceded to the 1961 Convention on the Reduction of Statelessness (1961 Convention), based on the congruence of the provisions of the Jamaican Nationality Act, having declared that "pursuant to Article 8 of the Convention, that it retains the right under its laws to deprive a person of his or her nationality in the circumstances outlined in Paragraph 3 of that Article in the Convention".

157. The Government is not yet a party to the 1954 Convention relating to the Status of Stateless Persons (1954 Convention). However, Article 4 of the 1954 Convention pertaining to the treatment of Stateless persons as nationals is akin to Section 43(3) of the Charter of Fundamental Rights and Freedoms in the Constitution and Section 13(1) (b) of the Charter provides that all persons in Jamaica are entitled for themselves and future generations the fundamental rights and freedoms to which they are entitled by virtue of their inherent dignity as persons. Stateless person by virtue of their inherent dignity as persons, could avail themselves of the fundamental rights and freedoms accorded by the Charter.

158. In respect of the treatment of foundlings to protect against statelessness, safeguards are in place for children who would otherwise be stateless, as:

- (a) It is mandated to register all children at birth;
- (b) Child related services are provided by the Child Protection and Family Services Agency;
- (c) The Child Care and Protection Act has been enacted.

159. The Office of the Children's Registry (OCR) was established on January 1, 2007 to protect the rights of children.

160. Furthermore, Section 10 of the Nationality Act is instructive. Section 10 states that:

"10. – (1) The Minister may in such case as he thinks fit, on application made by or on behalf of any person with respect to whose citizenship of Jamaica a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Jamaica.

(2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at any earlier date."

161. While Section 4(2) of the Nationality Act empowers the Minister to grant citizenship to any minor, it is believed that the provisions under Section 10 of the Act, more adequately provide safeguards to ensure any foundling "found in the territory of a Contracting State shall, in the absence of proof to the contrary, [would] be considered to have been born within that territory of parents possessing the nationality of that State." It is further believed that together with the provisions under the Constitution, Jamaica would have implemented adequate safeguards to prevent statelessness.

Reply to paragraph 24 of the list of issues

162. Migrant workers who are selected for jobs during the interview process are advised of the conditions applicable to their admission and stay in the relevant country. Workers are made aware of the housing policies and are invited to highlight any concerns. Additionally, the workers are informed of the terms of the contract of employment which govern them if they consent to same.

163. The workers are again informed of the conditions applicable to their admission and stay during the preparation for flight. At that time the workers are issued their contracts of employment which are explained to them by the MLSS. This contract is detailed and sets out the scope and period of employment, lodgings, meals and rest periods, payment of wages and deductions, health and safety of workers, travel and reception arrangements inter alia.

164. Workers are also sensitized on the culture of the country of destination and provided with guidance on expected acceptable behaviour during the period of stay. Whilst they are not issued with the legislation of that country, they are informed generally of the laws that govern said country.

Reply to paragraph 25 of the list of issues

165. Pursuant to the Labour Relations and Industrial Disputes Act, 1975 (LRIDA) workers generally are free to form part of associations and trade unions. By virtue of Section 4 of the LRIDA a worker which includes a migrant worker has the right to be a member of a trade union of his/her choice. The worker is also entitled to take part, at any appropriate time, in the activities of a trade union. The Act creates an offence where an employer or any person prevents or deters a worker from exercising his/her rights or dismisses, penalizes or in any way discriminates against the worker as a result. It should be noted that Jamaica prosecuted employers for breach of this Act. An example is the matter of *R v Mark McConnell and United Estates*, JM (2001) CA 46. In this matter the company was convicted of contravening the said section.

Reply to paragraph 26 of the list of issues

166. The Jamaican Constitution and the Representation of the People Act, which are the principal laws governing the conduct of elections, allow for qualified Jamaican citizens to register and vote in a polling division within the constituency where such a person ordinarily resides. Commonwealth citizens living in Jamaica for at least twelve months before registration also have that right.

167. S. 5 (1) of the Representation of the People Act states that:

“Subject to the provisions of (3) every qualified person shall be entitled to be registered in accordance with the rules... as an elector for the polling division in which he is ordinarily resident.”

168. The relevant provision of the Jamaican Constitution is section 37 (1) which states as follows:

“37 (1) Subject to the provisions of subsection (2) of this section a person shall be qualified to be registered as an elector for elections to the House of Representatives if, and shall not be so qualified unless, he is –

- a. a citizen of Jamaica resident in Jamaica at the date of registration, or
- b. a Commonwealth citizen (other than a citizen of Jamaica) who is resident in Jamaica at the date of registration and who has been so resident for at least twelve months immediately preceding that date, and has attained the prescribed age.”

Reply to paragraph 27 of the list of issues

169. The Child Care and Protection Act provides that any person who is the parent or legal guardian of a child, or who is legally liable to maintain the child, shall be presumed to have the custody of the child, and as between father and mother, neither shall be deemed to have ceased to have such custody by reason only that the father or mother has deserted, or otherwise does not reside with, the other parent and the child (Child Care and Protection Act, 2004, Section 4 a).

170. Jamaica acceded to The Hague Convention on the Civil Aspects of International Child Abduction, 1980 (“the HCCH 1980 Child Abduction Convention”) in February 2017. The Children (Guardianship and Custody) (Amendment) Act was enacted to give effect to the HCCH 1980 Child Abduction Convention. The Convention aims to protect children from the harmful effects of wrongful removal or retention across international borders by securing their prompt return to their State of habitual residence and ensuring that rights of custody and access under the law of the Contracting States is effectively respected.

Reply to paragraph 28 of the list of issues

171. Jamaica has a regulated framework in place for money transfer and remittance service providers. The Bank of Jamaica pursuant to section 22G of the Bank of Jamaica Act, regulates these providers. In that regard, only entities licensed by the Bank are authorized to operate as money transfer and remittance agents authorised to receive and send remittances. Under the regime, these entities are authorised to offer the service at approved service points island-wide which are strategically located, providing ease of access for remittance of funds to and from Jamaica.

Reply to paragraph 29 of the list of issues

172. The immigration authority allows migrant workers to apply for an extension of stay as a temporary resident for a maximum period of five (5) months following the expiration of their work permit to facilitate work permit renewal, to seek other employment or to prepare for departure from the island (wind-up operations). This extension is also granted to

dependents upon submission of application. All conditions relating to employment of the migrant worker are specified by the competent authority.

Reply to paragraph 30 of the list of issues

173. Migrant workers whose contracts of employment are terminated subsequent to obtaining a work permit are required to apply for a new work permit in respect of any new employment. Under the *Foreign Nationals and Commonwealth Citizens Employment Act, 1973* it is illegal for foreign nationals, that is, migrant workers, to work within the island without a work permit. It is to be noted that exception is made for CARICOM nationals with a CARICOM Skilled Certificate, all CARICOM nationals are required to obtain a CARICOM Skilled Certificate in order to work legally in Jamaica. Additionally, CARICOM nationals with “Unconditional Landing” endorsement in their passport. This is endorsed in the passport of Skilled certificate holders and their dependents.

Reply to paragraph 31 of the list of issues

174. The laws that govern workers in Jamaica are general in nature and are applicable both to nationals and migrant workers. The Government of Jamaica has established a Pay and Conditions of Employment Branch (PCEB) within the MLSS, with responsibility for visits to workplaces and to ensure that the labour laws are being observed. Where a breach is detected, the labour officers intervene on behalf of the workers and if unresolved, advise the workers to pursue the matter before a court of law.

175. Additionally, workers including migrant workers are encouraged to lodge complaints with the MLSS where they believe that their rights as workers are being infringed. The complaints that are reportable vary and include the issues of: remuneration, conditions of work, failure to provide notice before terminating the employment contract or pay in lieu of notice, failure to pay redundancy payments, paying salary below the minimum wage.

176. As it relates to Jamaican seasonal workers employed in the USA and Canada, please see response at paragraph 1(d), pages 4–8.

Reply to paragraph 32 of the list of issues

177. Measures taken in this regard include:

(a) Annual Review Meeting of the Canadian/Caribbean Seasonal Agricultural Workers programme—Meetings attended by CARICOM countries and Canadian employers. Jamaica continues to actively participate in the Annual Canadian/Caribbean Review Meetings of the SAWP, attended by CARICOM countries and Canadian employers, the most recent of which was the 58th Meeting held in Barbados, from 12th–15th November 2024. The SAWP Annual Review Meeting allows for ongoing critical discussions around employment terms and policies—focusing on enhanced benefits and improved opportunities for the workers;

(b) Consultation meeting – 2 May 2017 at the Global Migration Centre of the Graduate Institute of International and Development Studies in Geneva on the joint general comment on children in the context of international migration. Meeting attended by Jamaican Permanent Mission to the UN at Geneva;

(c) Meetings of the Council for Human and Social Development (COHSOD);

(d) At the Forty-Seventh Meeting of the COHSOD convened in Washington D.C. from 27th to 28th September 2024, discussions were had on the PAHO/WHO Policy Brief entitled “Policy on Migration and Mobility of Health Workers in the Caribbean”, wherein the COHSOD acknowledged the multiple and complex challenges faced by CARICOM Member States with regard to the migration and mobility of health workers in the Region. In this regard, the COHSOD:

(i) Urged Member States to support data-driven decision-making, ethical recruitment practices, bilateral agreements and multisectoral approaches and sustained investment in health workforce and health systems;

(ii) Also urged the Human Resources for Health Caribbean Commission, with support from the CARICOM Secretariat and PAHO/WHO, to consider the development of an action plan to address the issues related to the migration and mobility of health workers;

(e) Furthermore, the Fifty-Third Joint Meeting of the Executive and Education Committees and the Twenty-Second Meeting of the Practice Committee of the Regional Nursing Body which was convened from 3rd to 6th March 2025 in Georgetown, Guyana, continued work towards completing the revision of the Caribbean Standards for Nursing and Midwifery Education and Practice to ensure that these standards were harmonised throughout the Region and remained consistent with international policies and guidelines.

Movement of Skills Regime

178. Movement of Skills (labour) to promote hassle-free movement of persons for employment purposes and harmonizing social services is one of 5 core regimes of the Caribbean Community Single Market and Economy (CSME).

179. Article 46(1) of the Revised Treaty of Chaguaramas recognizes five (5) categories of individuals to whom the right to seek employment within their jurisdictions has been agreed by Member States, namely:

- (a) Graduates of all recognized universities worldwide;
- (b) Artistes;
- (c) Musicians;
- (d) Sportspersons; and
- (e) Media workers.

180. In 2006 and 2009, CARICOM Heads of Government authorized the expansion of this list to include five (5) additional categories of individuals, namely:

- (a) Registered Nurses;
- (b) Teachers;
- (c) Artisans with a Caribbean Vocational Qualification (CVQ);
- (d) Domestic Workers with a Caribbean Vocational Qualification (CVQ); and
- (e) Holders of Associate Degrees or Comparable Qualifications.

181. Since 2022, there has been an expansion and reform of these categories to include the following:

(a) Domestic Workers – In addition to the Caribbean Vocational Qualification (CVQ), the National Vocational Qualification (NVQ) is now acknowledged as a qualification requirement;

(b) Agricultural Workers with a Caribbean Vocational Qualification (CVQ) or National Vocational Qualification or letter from the Ministry of Agriculture and Fisheries; and

(c) Private Security Officers with a Caribbean Vocational Qualification (CVQ) or Professional Licence.

182. Jamaica has administrative arrangements in place for the movement of all 12 approved categories of Skilled Workers.

183. The Meeting of Officials of CARICOM's Council for Trade and Economic Development (COTED) in November 2024, recommended that aviation professionals be included in the list of approved CARICOM skilled nationals, commencing with Aircraft Maintenance Engineers, Professional Pilots, Air Traffic Controllers and Flight Operations

Officers. In this connection Jamaica has requested the addition of 3 occupations to the proposed list of aviation professionals, namely, Photogrammetry, Field Maintenance Personnel and Aircraft Maintenance Personnel. Regional consultations are ongoing in this regard.

184. In addition to the foregoing, Jamaica amended the Foreign Nationals and Commonwealth Citizens Employment Act in 2011. This amendment stipulates that nationals of other CARICOM countries coming to Jamaica may exercise the rights of establishment, services, or the movement of capital and are exempt from obtaining work permits as are imposed upon other foreign nationals. In addition, Jamaica amended the Caribbean Community (Free Movement of Skilled Persons) Act in July 2013 to cover all ten (10) categories of skilled nationals who are able to access jobs in Jamaica. These amendments entered into force in November 2013.

185. Although the 1945 Immigration Restriction (Commonwealth) Act has not been amended to provide for a definite entry of six months and indefinite stay to all eligible categories of Skilled Community nationals, these are provided for through administrative procedures. Furthermore, the Caribbean Community (Free Movement of Skilled Persons) Act, 1997 provides for a definite entry of six months and indefinite stay for Skilled CARICOM Nationals.

186. The MLSS has recommended that the 10 categories of Skilled Community Nationals be expanded to include, *inter alia*:

- (a) Hospitality workers;
- (b) Cosmetologists, barbers etc.

187. It is to be noted that a Draft Bill is under review (CARICOM Skilled Nationals Act) to include the additional categories for movement of Skilled Nationals. Consultations on the Draft Bill are being carried out by the Attorney General's Chambers.

Outstanding Issues at the Regional Level on the Free Movement of Skills Regime

Artisans and Household Domestics

188. CARICOM Heads have agreed that artisans and domestic workers with Caribbean Vocational Qualification (CVQ) should be included among the categories of workers who can move to other jurisdictions for employment. So far, Jamaica, Grenada and have implemented legislation to allow artisans and household domestic workers to work in their jurisdictions.

189. Following COTED's approval of the definition of artisans, in May 2013, a number of CVQs for artisans have been approved by the Caribbean Association of National Training Agencies (CANTA). However, it should be noted that CVQs have not yet been developed for all artisanal occupations.

190. CARICOM Member States approved a CVQ for domestic workers Domestic Housekeeping Services – Level 2 at the 29th Meeting of the Council for Human and Social Development (COHSOD) held in March 2016 in Guyana. The CVQ sets out the specific competencies to be acquired by a CARICOM national in order to be certified as a domestic worker. This CVQ is classified under 'Tourism and Hospitality Services' in the list of regional occupational standards developed by CANTA.

191. The 36th COTED in 2013 agreed that a recommendation should be made to the Conference that the term Household Domestics be changed to Domestic Workers, and that the descriptors for household domestics/domestic workers should also be adjusted to include domestic housekeepers and domestic cleaners and helpers. There are no indications that these recommendations were brought to the attention of Heads and/or adopted by Heads. The 28th Inter-Sessional Conference took a decision on the recommendation.

192. The Conference of Heads of Government of CARICOM, at their Meeting in February 2017, agreed to complete the free movement of person's regime including the implementation of facilitating mechanisms at borders and within Member States and determining additional key categories of persons eligible for free movement.

193. At their 45th Regular Meeting in July 2023, CARICOM Heads of Government agreed to work towards the free movement of all CARICOM nationals within the Community by 31st March 2024. It was agreed that there were certain basic guarantees that should be afforded to all CARICOM nationals exercising their right to freely move and remain indefinitely in another Member State of the Community. Subsequently, at their 46th Regular Meeting in February 2024, in recognition of the volume of technical work required to facilitate full free movement, Heads of Government agreed on a transition period of up to three years for Member States to take the necessary action to facilitate full free movement and a transition period of up to seven years to put in place the measures to facilitate the relevant basic guarantees, including access to public primary and secondary education and emergency health care.

194. At their 48th Regular Meeting in February 2025, Heads of Government agreed that implementation of full free movement will include the minimum guarantees for primary and secondary education and emergency and primary health care.

Labour Market Information Systems

195. Under the 10th EDF, there is a regional project on the establishment of the Labour Market Information Systems (LMIS) in the context of the Free Movement of Skills Regime. Through the establishment of a Regional LMIS, data on the labour markets for all participating Member States would be made available in a central depository and in a timely manner. This information would allow for better matching of skills with available positions at the regional level, thereby better facilitating the movement of skills within the region.

196. The CARICOM Secretariat has undertaken a number of training sessions with the relevant stakeholders throughout the region. Areas of focus for the training sessions included identification of sources of labour market information, classification of labour statistics, labour market modelling, survey analysis and policy implications. These sessions also aimed to strengthen the management capability of stakeholders who play an integral role in the free movement of skills and labour regime of the CSME.

197. The state has been involved in Caribbean Migration Consultation (CMC) dialogue as a way of distilling and promoting sound, equitable and rights-based conditions in connection with the international migration of workers and members of their families. With the aid of IOM, Jamaica has shared its:

- (a) Assessment of existing recruitment regulatory and monitoring mechanisms;
- (b) Mapping of the labour supply chains for government and the private sector programmes;
- (c) Assessment of government of Jamaica's pre-departure orientation curriculum for short-term circular migration programmes.

Reply to paragraph 33 of the list of issues

Multilateral Agreements

198. Jamaica has ratified seven of the nine core international human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and their Families. Specifically, Jamaica has ratified the following international instruments:

- (a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – this is a comprehensive international treaty regarding the protection of migrants human rights. It aims to protect migrant workers' rights and those of members of their families, setting a moral standard and serving as a guide and stimulus for the promotion of migrant rights in each country;
- (b) International Covenant on Economic, Social and Cultural Rights, 1966 – this treaty aims at ensuring that the economic, social and cultural rights of individuals are protected. It includes the right to self-determination, the right to non-discrimination, the equal

rights of men and women, the right to work, the right to form trade unions, the right to health and the right to an adequate standard of living;

(c) International Convention on the Elimination of All Forms of Racial Discrimination – Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions act in conformity with this obligation;

(d) International Covenant on Civil and Political Rights – Each State Party undertakes to respect and to ensure that all individuals within its territory and subject to its jurisdiction enjoy the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(e) Convention on the Elimination of All Forms of Discrimination against Women – States Parties undertake to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation, to adopt sanctions prohibiting all discrimination against women and to establish legal protection of the rights of women on an equal basis with men and to ensure the effective protection of women against any act of discrimination through national authorities;

(f) Convention on the Rights of the Child – States Parties commit to ensuring the rights set out in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his/her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

(g) Convention on the Rights of Persons with Disabilities – this Convention promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

199. Jamaica has also ratified other international instruments which serve to protect migrants' rights, including: the Vienna Convention on Consular Relations (Protecting Migrants' Rights to Consular Access and Protection); the UN Protocol relating to the Status of Refugees (applied to refugee situations after 1951); International Labour Organization (ILO) Convention concerning Migration for Employment (No. 97); and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143).

200. Other Agreements to which Jamaica is party include:

(a) The ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (143);

(b) The Global Compact for Safe, Orderly, and Regular Migration (GCM) of December 2018, wherein, international migration is viewed as a positive contributor to development and is addressed in a holistic and comprehensive manner. The promotion and respect for human rights are reflected in people centred, child-sensitive and gender responsive approaches;

(c) The Inter-American Convention on the Elimination of all forms of Discrimination against Persons with Disabilities, 1999 which enjoins States to ensure the prevention and elimination of discrimination of persons with disabilities;

(d) The Inter-American Convention on the Prevention, Punishment and the Eradication of Violence against Women, 1994 which recognizes the rights of women to be free from violence in the public and private spheres and the right to be free from physical, sexual and psychological harm;

(e) The American Convention on Human Rights, 1969 which commits States to ensuring that persons are free and that the rights and freedom of those persons are recognized without discrimination;

(f) United Nations Convention against Transnational Organized Crime, 2000 which promotes cooperation to prevent and combat transnational organized crime.

201. The United Nations Convention against Transnational Organized Crime consists of three protocols all of which Jamaica is signatory to:

- (a) Protocol to prevent, suppress and punish trafficking in persons, especially women and children;
- (b) Protocol against smuggling of migrants by land, sea and air;
- (c) Protocol against the illicit manufacturing and trafficking in firearms.

Reply to paragraph 34 of the list of issues

202. The law provides for other persons to be deemed to have custody of children when heads of households and/or adult members migrate. For example, the Child Care and Protection Act provides that any person who is the parent or legal guardian of a child, or who is legally liable to maintain the child, shall be presumed to have the custody of the child, and as between father and mother, neither shall be deemed to have ceased to have such custody by reason only that the father or mother has deserted, or otherwise does not reside with, the other parent and the child (Child Care and Protection Act, 2004, section 4 a).

203. The Child Care and Protection Act, 2004 also confers a duty on persons having the care of a child to provide the child with adequate food, clothing, lodging and health care appropriate to the age and needs of the child and to secure the education of the child. (Child Care and Protection Act, 2004, section 27 and 28). The Act imposes a fine or imprisonment with hard labour, if an adult who has custody, charge or care of a child wilfully assaults, physically and mentally ill-treats, neglects, abandons or exposes a child to suffer any of the above).

204. Jamaica has established reciprocal agreements to facilitate the enforcement of maintenance orders for dependents with several jurisdictions. These agreements enable the enforcement of maintenance obligations across borders, ensuring that dependents receive financial support even when the responsible parent resides abroad.

Reciprocal Enforcement of Maintenance Orders

205. Under the Maintenance Orders (Facilities for Enforcement) Act, Jamaica recognizes certain countries and territories as “reciprocating states.” This designation allows maintenance orders issued in Jamaica to be enforced in these jurisdictions and vice versa.

206. The list of reciprocating states includes:

- United States of America: Maryland, New Jersey, Florida;
- Canada: Manitoba, New Brunswick, Newfoundland, Prince Edward Island;
- Caribbean Islands: Antigua and Barbuda, The Bahamas, Belize, Cayman Islands, Dominica, Grenada, Guyana, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, Montserrat, British Virgin Islands;
- Other Countries: United Kingdom, New Zealand, Cook Islands, Bailiwick of Guernsey, Isle of Man, Jersey, Niue, and Western Samoa.

207. As of March 2025, these reciprocal agreements remain active. The Ministry of Foreign Affairs and Foreign Trade continues to facilitate the enforcement of maintenance orders by transmitting court orders issued in Jamaica to the authorities in the reciprocating states where the delinquent parent resides. This process ensures that maintenance obligations are upheld across borders, providing essential support to dependents.

208. These reciprocal agreements and enforcement mechanisms underscore Jamaica’s commitment to ensuring that dependents receive the financial support they are entitled to, regardless of international boundaries.

209. Jamaica acceded to The Hague Convention on the Civil Aspects of International Child Abduction, 1980 (“the HCCH 1980 Child Abduction Convention”) in February 2017. The Children (Guardianship and Custody) (Amendment) Act, 2017 was enacted to give effect to

the HCCH 1980 Child Abduction Convention. The Convention aims to protect children from the harmful effects of wrongful removal or retention across international borders by securing their prompt return to their State of habitual residence and ensuring that rights of custody and access under the law of the Contracting States is effectively respected. The Children (Guardianship and Custody) (Amendment) Act, 2017 section 7A makes provision, among other things, for the establishment of a Central Authority which has the duty to cooperate with a foreign Central Authority to secure the prompt return of children wrongfully retained or wrongfully removed. Additionally, the Children (Guardianship and Custody) (Amendment) Act, 2017 also provides in Section 7 for the Court to deal expeditiously in matters involving the international abduction of children. On April 1, 2019, the HCCH Child Abduction Convention entered into force between the United States of America and Jamaica.

210. With respect to policies and programmes aimed at enhancing legal migration channels and addressing the root causes of irregular migration, the International Organization for Migration in Kingston offers reintegration assistance for irregular migrants who want to return permanently to Jamaica. This assistance usually takes the form of financial investments in vocational training, educational support, medical assistance, accommodation assistance or assistance in setting up a small business. This puts the returnees in a position to support themselves financially, thereby effectively reducing the need to migrate again in pursuit of financial security.

211. In addition, through the membership of the National Working Group on International Migration and Development public sensitization sessions via the media have been facilitated to encourage safe and orderly migration practices while also exposing persons to the pros and cons of same at the local level through community development trainings and meetings. Partnerships at the sub national levels with civic-based organizations have also allowed for the facilitation of dialogue around migration issues.

Reply to paragraph 35 of the list of issues

212. The Reintegration & Rehabilitation of Involuntary Returned Migrants Project was funded by the Cities Alliance Fund (CATF) through the United Nations Development Programme (2017–2019). The project sought to complement and build on existing initiatives at the national and local levels to strengthen systems to address issues associated with the treatment of migrants, in particular involuntary returned migrants (deportees) in the country and especially in urban centres.

213. The aim was to strengthen the policy, legislative and institutional framework that guides the management and treatment of deportees to the island. This included finalizing the National Deportation Policy and developing a Reintegration and Rehabilitation Strategy and Standard Operating Procedures (SOPs) to guide the management of involuntary returned migrants. The project also contributed to increasing the capacity of entities including non-government organizations to provide more efficient and effective services to deported migrants and strengthen the integration of migration issues in the local sustainable development planning process now being undertaken by local authorities.

214. Notably achievements for the project included:

- (a) Completion of Baseline Study as at December 2018;
- (b) Revision of the Draft National Deportation Policy;
- (c) Development of Standard Operating Procedures and Rehabilitation Reintegration Strategy;
- (d) Development of an Action Plan for the Technical Working Group;
- (e) Capacity Development for Non-Government Organizations (NGOs) and IRMs:
 - (i) Capacity Assessment Completed for five (5) NGOs;
 - (ii) A total of 16 service providers from approximately five (5) NGOs were trained in business development and proposal writing;

- (iii) A total of 22 IRMs (beneficiaries) were trained in Business Development; and of this total eight (8) persons received small grant to start-up or expand their business;
- (iv) Four (4) NGOs equipped with Apiculture (bee keeping) materials to strengthen their income generation capacity;
- (f) Development of a Measurement Framework for the Rehabilitation and Reintegration of IRMs;
- (g) Capacity development activities to improve service provision & planning by local authorities for returned migrants – training and certification of approximately eighty-six (86) Local Authorities (Poor Relief Staff Island wide);
- (h) Draft public education materials for distribution at help desks of local authorities:
 - (i) Pamphlet – As a handout, providing relevant information to support IRMs seeking the services of the Local Authorities and services of other state and non-state entities;
 - (ii) Posters – To be mounted in the offices of the local Poor Relief Officers, the Municipal Corporations/Municipality and any other appropriate;
 - (iii) Stations providing pertinent information targeting primarily IRMs and other stakeholders;
 - (iv) Flyer – For dissemination at public meetings, consultation and sensitization sessions containing general information on the Return, Reintegration & Rehabilitation of Involuntary Returned Migrants.

Reply to paragraph 36 of the list of issues

215. In 2005, the Cabinet-appointed National Taskforce Against Trafficking in Persons (the Taskforce) was established and continues to operate as an inter-ministerial group (with NGO membership). Its core emphasis is the prevention and suppression of trafficking in persons, investigation and prosecution of all individuals suspected of committing the offence, as well as the protection and provision of assistance to victims of trafficking. This is done by enhancing national capacity and developing Jamaica's legislative and institutional framework for the elimination of trafficking. The Task Force convenes quarterly meetings with its members, civil society groups and NGOs.

Rescue and Prosecution Efforts

216. During the period 2015/2016, seventeen (17) raids were conducted and four (4) victims rescued including three (3) males and one (1) female; thirty (30) investigations were launched; and four (4) persons were charged for human trafficking.

217. During the period 2016/2017, thirty-one (31) raids were conducted and eight (8) victims rescued; thirty-six (36) investigations were launched; and two (2) persons were charged for sex trafficking.

218. During the period 2017/2018, twenty (20) raids were conducted and eight (8) victims rescued; twenty-one (21) investigations were launched; and three (3) persons were charged for trafficking in persons.

219. During the period 2018/2019, thirty-six (36) raids were conducted and six (6) female victims rescued; 36 investigations were launched, and six (6) persons were charged for sex trafficking.

220. For the period 2019/2020, thirty-six (36) raids were conducted and ten (10) victims rescued including six (6) males and four (4) females; 51 investigations were launched; and two (2) persons were charged for forced labour and four (4) persons were charged for sex trafficking.

221. During the period 2020/2021, thirty-four (34) raids were conducted and eight (8) victims rescued including seven (7) females and one (1) male; 23 investigations were launched; and one (1) person was charged for forced labour while two (2) persons were charged for sex trafficking.

222. During the period 2021/2022, thirty-six (36) operations and surveillance were conducted; fifty-three (53) investigations were launched; four (4) prosecutions were undertaken; two (2) convictions were secured; and one (1) person was extradited on TIP charges. Sixteen (16) victims of trafficking were identified. The victims were offered services such as medical care, accommodation, counselling /psychological support, legal services, reintegration and immigration support. Additionally, during this period, five (5) victims were repatriated.

223. During the period 2022/2023, thirty (30) operations and surveillance were conducted; sixty (60) investigations were launched; seven (7) female victims identified – five (5) sex trafficking and two (2) forced labour; Four (4) suspected victims – three (3) females and one male – three (3) sex trafficking and one (1) forced labour. Seven (7) arrests were made; and three (3) convictions were secured.

224. Seven cases were disposed of during the period 2015 to 2020 resulting in conviction and sentencing of the offenders namely:

- (a) R v Rajesh Gurunani (fined J\$2,400,000.00);
- (b) R v Rohan Ebanks (sentenced to 14 years' imprisonment);
- (c) R v Nadine Pitt (sentenced to fifteen years' imprisonment);
- (d) R v Oshin Morgan (sentenced to four years and five months' imprisonment);
- (e) R v Kirk Allen (sentenced to 2 years' imprisonment);
- (f) R v Aston Alcock (sentenced to five years' imprisonment); and
- (g) R v Devon Scott (sentenced to 10 years' imprisonment).

225. Jamaica also secured its first appeal case in R v Rohan Ebanks. The Court of Appeal dismissed the appeal against the conviction of Rohan Ebanks on October 5, 2018. However, the Court substituted the sentence for trafficking in persons from fourteen (14) years to ten (10) years imprisonment. The reason for this is the Trafficking in Persons (Prevention, Suppression and Punishment), (Amendment) Act, 2013 which increased the maximum sentence of imprisonment for trafficking in persons from ten (10) years to twenty (20) years was not in force at the time of conviction. The sentence of ten (10) years for facilitating trafficking in persons and sixteen (16) years for rape were upheld.

226. Five cases were disposed of during the period 2021 to 2022 resulting in conviction and sentencing of the offenders namely:

2021

1	Hermilinda Parker Kingston Circuit November 2021	Sexual (Child)	\$2,000,000 JMD or 6 months imprisonment. 3 years suspended sentence.
2	Anthony Parker o/c Andrew Kingston Circuit November 2021	Sexual (Child)	\$800,000 JMD or 6 months imprisonment. 3 years suspended sentence.

2022

1	Name: Roshon Shegure	Labour	10 yrs for TIP and 5 yrs for concealment of documents (Conviction is pending appeal)
2	Name: Donnette Shegure	Labour	One Million Dollars or 3 yrs (Conviction is pending appeal)
3	Name: Chevaughn Reid	Sexual	6yrs and 9mths

2023

nil

Initiative and Activities Implemented

National Plan of Action to Combat Trafficking in Persons

227. Jamaica approved the National Plan of Action to Combat Trafficking in Persons 2015–2018 and subsequently the National Plan of Action to Combat Trafficking in Persons 2018–2021 which adopted the guiding principles of the United Nations Global Plan of Action to Combat Trafficking in Persons. Jamaica’s anti-trafficking activities were guided by the implementation of the National Plan of Action to Combat Trafficking in Persons 2018–2020, which was extended to 2022. The NATFATIP Secretariat continues to support and monitor the implementation of the Action Plan, which includes the development of an Anti-Trafficking Policy; further strengthening of law enforcement capacity; increasing awareness among the Judiciary regarding the prosecution of human traffickers; the development of Standard Operating Procedures for detectives and prosecution personnel and increased public awareness.

228. Since 2016, the Taskforce has increased the number of initiatives and anti-trafficking activities it has implemented.

229. The Task Force heightened its public education campaign in 2017 and 2018, by conducting country tours, facilitating the United States Embassy and the ‘FIWI’ Jamaica Project on identifying and preventing trafficking in persons and assistance available to victims; and hosting public forums and an outside broadcast on a national radio station. The Task Force created a Comic Book on Trafficking in Persons for children below the age of 13 years’ old which helps students and teachers understand how they can assist in identifying and preventing human trafficking and help in reducing students’ vulnerability to human trafficking. These comic books were distributed to Schools island-wide, and they also created a Docu-Drama titled “Rescue” which depicted human trafficking in Jamaica as well as that promotes greater awareness of TIP as a global crime.

230. Noteworthy, the Task Force hosted its first International Conference on Human Trafficking in July 2018 and also launched the A-TIP Clubs in school programme in 2019 in approximately 20 secondary schools across the island. The Club is intended to equip students and teachers alike with the requisite knowledge and tools to help them protect against becoming a victim as well as to assist students in the completion of their SBAs and IAs treating with the subject area. There is also a parent training aspect of the A-TIP Programme where parents are trained on the dangers of human trafficking and how to protect themselves and children from becoming victims of this heinous crime.

231. Subsequently the efforts of the Taskforce continued in 2019 and 2020. The Government heightened collaboration with the hotel and tourism industry in 2019 where over 2000 hotel workers have been sensitised on trafficking in persons and 15 tourism trainers in the Team Jamaica programme have been trained to deliver human trafficking as a component to workers in the tourism and hospitality industry. In 2020 NATFATIP collaborated with VP Records and Alborosie to produce a song and an animated video “No Shadows After Dark”

which depicts the dangers of human trafficking. Advertisements, public service announcements, news releases, media interviews and news forums are regular tools used by the Taskforce in its public education campaign.

2021–2024 Initiatives

232. During the 2021–2022 period, several activities were conducted by the Task Force. Approximately one hundred and fifty (150) parents, teachers, and students were sensitised about trafficking in persons at Garvey Maceo High School, Waterford High School, and Green Pond High School. Additionally, the Jamaica National Circle Town Hall on Child Labour and Human Trafficking was held on September 28, 2021, where approximately thirty-five members of the public were informed about the elements of human trafficking, how to identify potential red flags or indicators, and how to report suspected cases. Weekly Public Service Announcements (PSAs) on television and radio stations were also aired, encouraging individuals to report suspected cases of trafficking and providing the contact numbers for reporting these cases. An animation on human trafficking was also created to assist children in identifying the crime.

233. The Trafficking in Persons Week of Activities included a church service at Tarrant Baptist Church, interviews on radio stations, a sensitisation session with the Jamaica Hotel and Tourist Association, and a virtual town hall on trafficking in persons. A partnership with the Radio Jamaica Cross Country Invasion Programme reached over five hundred thousand (500,000) individuals through initiatives such as radio and television interviews on trafficking in persons, and pamphlets, brochures, and novelty items distributed during their outside broadcasts. Public service announcements were made on radio and television, and publications appeared in the local newspapers, *The Gleaner* and *The Star*.

234. During the 2022/2023 period, NATFATIP continued to observe the Governor General’s proclaimed TIP Week, which occurs in the last week of July. This included the UN-designated Global Day Against Trafficking in Persons on July 30. Public education and training sessions, outreach, and sensitization initiatives were executed through print media, mainstream media, and social media, including sponsored programs. Outreach activities were undertaken with community and faith-based organizations to convey anti-trafficking messages. These outreach activities aimed to address risk factors, share new trends and practices, and disseminate information. Some high-impact activities included the launch of the TIP Week Church Service, which was streamed live and had in-person congregants; the commemoration of the World Day Against Trafficking in Persons, hosted by ONRTIP in a national conversation that included The Honourable Minister Zavia Mayne and Mr. Courtney Williams, Chairman of the Taskforce and [then] Permanent Secretary of the Ministry of National Security, respectively; and a TIP Billboard Unveiling Ceremony hosted by the Taskforce on July 30. Members and leadership of the Taskforce and Committees participated in outreach efforts, speaking engagements, and radio and television interviews, while awareness-raising materials and novelty items were distributed. Capacity training for professionals, para-professionals, and youth, with local and international hosts, was also undertaken.

235. During 2023–2024, the National Task Force Against Trafficking in Persons undertook a series of activities to commemorate the UN’s World Day Against Trafficking in Persons. Some activities were tailored to specific demographics while others were designed for the general public. Activities for TIP Week 2024 were conducted from July 28 to August 3 under the theme, “Leave No Child Behind in the Fight Against Human Trafficking”. The activities were as follows:

- (a) The annual commemorative church service was held on Sunday, July 28, with in-house congregants and was also streamed live;
- (b) Public service announcements and time signals featuring anti-trafficking messages were broadcast on the airwaves;
- (c) The Jamaica Information Service disseminated information aimed at enhancing and increasing knowledge of the policies of the government of Jamaica. They facilitated interviews on their Think Tank program and provided news clips about the

activities. Additionally, radio interviews were conducted on RJR's "Security Matters" and "Both Sides of the Story" on Power 106;

(d) World Day Against Trafficking in Persons – Tuesday, July 30, 2024, with a heightened focus on youth, NATFATIP hosted a Youth Symposium/Colloquium at the University of Technology;

(i) The Hon. Juliet Cuthbert Flynn, Minister of State in the Ministry of National Security, provided opening remarks, and attendees included the Senior Director and managers from the Ministry of National Security. Additionally, members from the Ministry of Labour and Social Security, the Bureau of Gender Affairs, university students, and high school students led by the National Secondary School Association and other community-based representatives were present;

(e) In an effort to increase awareness and maximize victim identification, NATFATIP partners, namely, the Ministry of Labour and Social Security and the Bureau of Gender Affairs established a presence at Sangster and Norman Manley International Airports, where they distributed information sheets/flyers and interacted with the public;

(f) The Ministry of Labour and Social Security participated in the Emancipation all-night vigil in Seville, St. Ann, where they interacted with patrons and distributed information sheets and booklets;

(g) The A-TIP Vice Squad conducted operations, surveillance, and managed case activities related to human trafficking cases;

(h) During these operations, they handled cases of trafficking, including child trafficking and forced child labour, as well as commercial sexual exploitation. The team educated the public about these crimes and received referrals for suspected labour law violations and other criminal enforcement from allied entities on the Taskforce;

(i) A WhatsApp line was launched during the week of activities.

International Cooperation/Partnerships

236. In 2018, the US Department of State and Jamaica's Government pledged to prevent and respond to child trafficking. Winrock International, Lawyers Without Borders, and the University of the West Indies are working together to standardize protocols, referral procedures, and data collection. The project also trains government officials to identify and respond to child trafficking, safeguarding their rights and promoting community engagement. The Child Protection Compact (CPC) Partnership between the United States and Jamaican governments concluded in 2023. In the final phase, the U.S. Department of State's Trafficking in Persons Office opted to increase Winrock International's funding by another \$500,000 USD (JMD \$75M), to enhance their collaboration with the GoJ. This was aimed at improving capacity to hold more child traffickers accountable, improve identification and assistance for children exploited by traffickers, and address the challenges of preventing child trafficking within the country.

Legislative and Regulatory Efforts

237. Jamaica has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). In keeping with its international obligation, the Government enacted the Trafficking in Persons (Prevention, Suppression, and Punishment) Act, 2007. The legislative framework was strengthened through amendments (enacted in January 2018) to the Trafficking in Persons (Prevention, Suppression and Punishment) Act to allow for human trafficking cases to be tried before a Judge alone. A trial by judge alone—also known as a bench trial in Jamaica—is primarily to ensure speedier justice and reduce jury tampering or intimidation, especially in cases involving organized crime, corruption, and human trafficking.

238. Reasons for the Amendment to the Trafficking in Persons (TIP) Legislation:

(a) Reducing Delays in the Judicial Process – Jury trials can be lengthy due to the time needed for jury selection, instructions, and deliberations. A judge-alone trial allows for a more efficient process, leading to faster case resolution;

(b) Minimizing Jury Intimidation and Interference – Human trafficking cases often involve organized crime networks that may intimidate or influence jurors. A judge-alone trial reduces the risk of outside interference;

(c) Ensuring Fair and Competent Decisions – Judges have extensive legal training and can assess evidence objectively without being swayed by emotions or media influence, leading to more consistent and legally sound rulings;

(d) Encouraging More Convictions – One of the challenges in prosecuting human trafficking cases is the difficulty in securing convictions due to the complexity of the evidence and juror biases. Judge-alone trials improve the chances of successful prosecution by relying on legal expertise rather than laypersons' perceptions.

239. The amendment aligns with broader efforts to strengthen Jamaica's anti-trafficking framework, improve victim protection, and increase convictions to deter traffickers.

240. Additionally, the Child Care and Protection Act, 2004 was amended in 2018 to increase the penalty for the sale or trafficking of a child from ten years to twenty years.

241. The 2021 amendments removed the option of fines in lieu of custodial sentences with the exception of cases of body corporate with consequential amendments to the Child Care and Protection Act.

242. Consideration is also being given to establishing regulations to allow for the development of protocol/guidelines for the safe and voluntary repatriation of TIP victims to Jamaica. A communique was sent to all the countries within CARICOM by Jamaica through the Ministry of Foreign Affairs and Foreign Trade in December 2019 reminding them about the international protocol to be followed when repatriating TIP victims to Jamaica. A Memorandum of Understanding between Jamaica and Guyana regarding the said matter is currently being drafted.

Increased Sensitisation and Guidelines & Standard Operating Protocols

243. There has been increased sensitisation and training to maximise victim identification, assistance, treatment, and protection of victims in order to create greater awareness and understanding of TIP-related matters.

244. In 2017 the Standard Operating Procedure for Health Care Workers was developed and implemented as a means of promoting a more structured and coordinated approach in dealing with suspected and confirmed TIP case. Four training sessions were conducted with health care workers to sensitize them on the use of the SOP in the various divisional health authorities across the island, that is the North-East Regional Health Authority, the South-East Regional Health Authority, the Southern Regional Health Authority and the Western Regional Health Authority. Approximately 240 health care workers were trained including doctors and nurses.

245. In 2018 the Standard Operating Procedure for Labour Officers, Investigators, Inspectors and NIS Workers was developed and implemented as a means of improving proactive identification of local and foreign victims of forced labour, sex trafficking and domestic servitude. Four training sessions were conducted across the island with approximately 150 labour officers being trained in usage of the SOPs. Additionally, 75 Customs Officers and Jamaica Defence Coast Guards have been trained in Trafficking in Persons and Human Smuggling particularly how to identify a victim of human trafficking and how to handle a suspected case.

246. During the 2023/2024 period, guidelines and SOPs for identifying and protecting victims in Jamaica were developed and are being implemented across the Ministries, Departments and Agencies (MDAs.) These include:

(a) The Standard Operating Protocol for Labour Officers, Investigators and Social Workers;

(b) The Standard Operating Protocol for the Management of Suspected Trafficking for Health Care Workers;

(c) Ministry of Foreign Affairs & Foreign Trade TIP Handbook for Consular Officials;

(d) Memorandum of Understanding (MOU) for data Sharing among key stakeholders in the fight against Trafficking in Persons including Office of the Director of Public Prosecutions, Children and Family Services Agency, Office of the Children's Advocate, Jamaica Constabulary Force, Passport Immigration and Citizenship Agency, and Ministry of National Security;

(e) Standard Operating Protocol for Passport, Immigration and Citizenship Agency (PICA).

247. Through the Ministry of National Security, the National Taskforce Against Trafficking in Persons (NATFATIP) continues to bolster its efforts in its fight against human trafficking. The following are among the initiatives that the NATFATIP take to address human trafficking:

(a) Foreign and domestic TIP victims benefit from: counselling and emotional support; medical and dental care; food and clothing; court orientation and support; training and educational assistance; assistance to obtain employment and accommodation. Female victims are housed in a TIP shelter operated by the GOJ at their request, but male victims are accommodated in alternative shelters such as NGO operated shelters or hotels;

(b) With respect to identifying/reporting suspected victims of human trafficking, the National Children's Registry operates a toll-free line (1-888-PROTECT) i.e. 1-888-776-8328 and six (6) other lines. Four (4) of these are landlines and the remaining two (2) are mobile lines. Members of the public may also call Crime Stop Jamaica at 311 to report any suspected cases of trafficking. There are also two emergency lines namely: 311 operated by Crime Stop Jamaica and 811 operated by the JCF to which reports are received for suspected human trafficking cases. The emergency lines operated by Crime Stop Jamaica and the Jamaica Constabulary Force are operated throughout the day for twenty-four hours;

(c) Continuous collaboration with law enforcement entities and Ministries, Departments and Agencies to bring awareness to Human Trafficking.

Budgetary Matters

248. The portfolio responsibility for TIP spans several MDAs. The budget allocated for the period under review (2020–2023) was \$68,000,000.00. This amount represents the total annual TIP budget for the Ministry of National Security, which is responsible for the National Taskforce against Trafficking in Persons (NATFATIP) and its Secretariat. However, it is important to note that other MDAs, such as the Victim Services Unit of the Ministry of Justice, which provides psycho-social support services for victims of TIP, have their own separate line items in the budget. The same applies to the CPFSA (Child Protection & Family Services Agency) and other TIP stakeholder MDAs.

Other Measures: Policies

Incorporation of Human Trafficking in the Child Safety Manuals for Schools

249. With emphasis on the prevention of Human Trafficking, after consultation with the Task Force, the Ministry of Education, Skills, Youth and Information (formerly the Ministry of Education, Youth and Information and the Ministry of Education, inter alia) included for the first time in the "Safety and Security Police Guidelines", matters relating to Human Trafficking. The document includes the definitions and protocols to be considered in suspected cases involving a student. These along with several other manuals were presented by the Minister of Education in September 2015.

International Migration and Development Policy

250. TIP has been included in the International Migration and Development Policy being developed, under the thematic areas of Public Order, Safety and Security; and Human Rights and Social Protection.

251. The objectives of the International Migration and Development Policy include the following:

- (a) Promote the development of mutually beneficial relationships and strengthen transnational networks;
- (b) Promote and protect the human rights of migrant through compliance with international and domestic protocols, laws and conventions;
- (c) Design, strengthen and implement adequate data and information systems for policy, planning and decision making.

252. The measures taken to ensure the effectiveness of the implementation of the TIP Act include the following:

- (a) Investigations, Prosecutions and Convictions:
 - (i) Specialized units at the Jamaica Constabulary Force TIP Unit and the Office of the Director of Public Prosecutions to specifically investigate and prosecute TIP cases respectively;
 - (ii) Heightened investigations by the TIP Unit via proactive and reactive measure and intelligence in securing arrests;
 - (iii) Increased strategic police raids at locations known for the commission of TIP;
 - (iv) Ongoing training of the Judiciary, Prosecutors and Police personnel in enhancing understanding of the offence and promoting capacity building;
 - (v) Legislative provisions reflect stringent penalties for the commission of the offence (fine and/or imprisonment of up to twenty (20) years). Of the four (4) convictions secured since the enactment of the legislation, two (2) have resulted in custodial sentences whilst the others reflect fines of over four million dollars (\$4,000,000). Restitution orders have also been made in the same proceedings for the victims;
- (b) Victim Protection and Assistance: in adherence to the TIP Act, the Government has implemented measures to promote the protection of victim's rights. These include the operationalisation of the TIP shelter, which houses female victims and offering of relevant care services. Victims are also provided with the requisite legal, medical and other services;
- (c) There is ongoing collaboration with the relevant Ministries, Departments and Agencies to ensure the seamless referral and protection of victims.

Reply to paragraph 37 of the list of issues

253. There is an official TIP shelter to house female victims, which became operational in 2013. Alternative accommodation is provided for other victims, at the Government's expense. The victims of trafficking receive, where necessary, mental health counselling, offered by the Victim Services Division of the Ministry of Justice. Medical care and other victim services are also provided. Additionally, a House Mother is assigned to the shelter. The shelter is equipped with twenty-four (24) hours' security to ensure safety and protection of the victims.

254. The Government is mandated to assist with protection and care of victims and consequently cover the various costs for the relevant counselling, psychosocial, medical and other victim care services. These services are offered to both child and adult victims by the Child Protection and Family Services Agency (CPFSA) and the Victim Services Division.

255. The Victims Services Division provides the following specific services:

- (a) Counselling and psychosocial services before, during and after case disposition;
- (b) Court orientation;
- (c) Court accompaniment;
- (d) Specialized individual and group support interventions for persons who have been sexually traumatized;
- (e) Home visits;
- (f) Facilitate social educational development while at the shelter;
- (g) Monitor counselling and psychological support while in the shelter;
- (h) Securing of temporary housing inclusive of basic amenities such as food, clothing, and transportation.

256. The CPFSA works with the Counter Terrorism and Organised Crime Investigations Branch (C-TOC) to safeguard children who are victims of child trafficking. The CPSFA also provides welfare services which include twenty-four (24) hour care staff for victims housed at authorized shelters, medical services to child victims of trafficking, assisting with educational provision through e-learning methodology for appropriate and sensitive educational programmes and providing meals, clothing, transportation, school supplies and household materials at authorized shelters.

257. Concerning reintegration, the Government is mandated by law to assist in the reintegration of victims in society. There is ongoing collaboration with NGO Groups, for example, the Theodora Project and other stakeholders in providing practical and life skills to victims.

258. The Theodora Project is a non-profit organization of the United Church of Jamaica and the Cayman Islands established in Negril. The project mission is to empower young people who are at risk of being exploited in Human Trafficking and commercial sex trade by offering opportunities for education, skills training, and personal development. Students are evaluated both educationally and by the counsellor who maintains home contact and home visits, as necessary. The Theodora Project has also provided a catalyst for engagement in the community on Human Trafficking. It has rescued women who had been trafficked for sexual exploitation and provided them with skills training and counselling. The Government also provides the relevant funding for educational advancement of victims.

Reply to paragraph 38 of the list of issues

259. Jamaica has started preliminary research on the development of Smuggling Legislation. In addition, webinars facilitated by the anti-Trafficking in Persons (a-TIP) Clubs were held in the following areas:

- (a) Child Labour and Child Abuse (May 2020);
- (b) Human Trafficking and Child Trafficking (July 2020);
- (c) Cyber Crimes and Safe Internet Use (October 2020).

Part II

Reply to paragraph (a) of the list of issues

260. Please refer to the Government of Jamaica response at paragraph 1(b) on pages 2–4.

Reply to paragraph (b) of the list of issues

261. Please refer to the GOJ response at paragraph 3, pages 8–10. Additionally, Appendix V demonstrates the institutions and their responsibilities regarding the protection of migrant workers and members of their families.

Reply to paragraph (c) of the list of issues

262. Please refer to the GOJ response at paragraph 1(b) on pages 3–4.

Reply to paragraph (d) of the list of issues

263. Jamaica ratified the Domestic Workers Convention C189 in 2016. Since then, the Government of Jamaica (GOJ) has been taking steps to formalise the domestic worker sector. The GOJ received assistance from the International Labour Organisation (ILO) to support the implementation of the Transition to Formality Action Plan. The support provided under this Project is laying the framework/groundwork for the domestic workers and fisher folks to commence transitioning to formality and amending existing legislation to facilitate compliance with Convention 189.

Reply to paragraph (e) of the list of issues

264. Jamaica does not conduct such studies at this time.

Part III**Reply to paragraph 1 (a) of the list of issues**

265. Please see Appendix VIII.

Reply to paragraph 1 (b) of the list of issues

266. Please see Appendix VIII.

Reply to paragraph 1 (c) of the list of issues

267. Please refer to the Government of Jamaica response at paragraph 16, pages 20–21.

Reply to paragraph 1 (d) of the list of issues

268. There are no such reported cases of non-accompanied migrant children or migrant children separated from their parents in Jamaica at this time.

Reply to paragraph 1 (e) of the list of issues

269. The Bank of Jamaica (the Bank) collects data on all remittance flows disbursed in Jamaica by the licensed remittance companies and the deposit taking institutions. The Remittance Bulletin published by the Bank, provides data collected from the remittance companies licensed by the Bank as well as deposit taking institutions who received remittances via wire transfers (classified in the report as “other remittances”).

270. A copy of the report can be accessed at the Bank’s website at <https://boj.org.jm/wp-content/uploads/2024/07/Remittance-Bulletin-April-2024.pdf>.

Reply to paragraph 1 (f) of the list of issues

271. Please refer to the Government of Jamaica response at paragraph 36, on pages 36–43.

Reply to paragraph 1 (g) of the list of issues

272. Jamaica, through the Ministry of Foreign Affairs and Foreign Trade's consular network of High Commissions, Embassies, Consulates General and Consulates, offers general consular support to Jamaican nationals, including on issues specifically affecting migrant workers. Jamaica's Consular Officers provide emergency assistance in cases of crisis or natural disasters in the locales where nationals, including migrant workers are situated. They also ensure that the whereabouts, safety and general well-being of Jamaican nationals, including migrant workers are safeguarded. In cases of arrests and detentions, Missions seek to protect the welfare of migrants, by:

- (a) Notifying the migrant's next-of-kin;
- (b) Conducting consular visits to detainees to ensure that they do not face discrimination and abuse due to their migrant status;
- (c) Providing lists of lawyers or directing the migrant to legal aid if allowed by the authorities;
- (d) Advising them of their rights and responsibilities;
- (e) Liaising with the Passport Immigration and Citizenship Agency/Ministry of National Security of Jamaica to verify the national's identity in cases where they have lost their passport or other national identity documents and issuing travel documents to facilitate their return to Jamaica.

273. Additionally, as it relates to those workers facing expulsion, it is ensured that they are provided with accommodation and other support, which includes medical attention on arrival in Jamaica. In cases of reported workplace abuse or exploitation, Missions collaborate with Liaison Offices staffed by the MLSS in the US and Canada. In other countries, such cases are directed to partner international agencies, NGOs and other activist organisations interested in the welfare & rights of migrant workers.

274. Nationals working abroad who are in need of legal assistance may retain private counsel. Consular services are also provided to check on the welfare of nationals in distress overseas and that the jurisdiction is respecting their rights, including right to access legal services.

Reply to paragraph 2 of the list of issues

275. The Government of Jamaica does not have any additional information at this time. Jamaica is not in a position to make a declaration under Article 76 & 77 at this time.

Reply to paragraph 3 of the list of issues

276. The Government of Jamaica is currently working to update the Core Document in accordance with the requirements of the common core document in the harmonized guidelines on reporting approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006.
