

JAMAICA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Jamaica is a constitutional parliamentary democracy. In national elections in February 2016, the Jamaica Labor Party (JLP) led by Prime Minister Andrew Michael Holness won a majority 32 of the 63 seats in the House of Representatives. International and local election observers deemed the elections transparent, free, and fair but noted isolated incidents of violence prior to, and on, election day. By-elections for three seats in the House of Representatives on October 30, resulted in the JLP's increasing its majority to 33 seats. Local election observers deemed the by-elections transparent, free, fair, and peaceful.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included numerous reports of arbitrary and other unlawful killings by government security forces; entrenched government corruption within some government agencies; violence against women; sexual assault and incest committed against young girls by gang members; criminalization of same-sex sexual activity, although these laws were not enforced during the year; and societal violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took some steps to investigate, prosecute, and punish officials who committed human rights abuses, although a general sense of impunity remained with respect to alleged unlawful killings by agents of state.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that government security forces, mainly police, committed arbitrary and unlawful killings. Government statistics indicated that through September, government security force-related fatalities increased by 44 percent over the same period in 2016, with 124 and 86 in the first three quarters of 2017 and 2016, respectively. Of the 124, 118 involved the police, and six involved the military.

The number of government security force-involved killings from January through September deemed to have occurred under suspicious circumstances increased over the same period in the prior year by 10 percent, from 29 to 32. Incidents in which police officers fatally shot two or more persons increased considerably, to 14 through the end of September, compared with eight in the same period of 2016. Police-involved fatalities during traffic stops along thoroughfares at night markedly increased. The proportion of victims of police-involved fatalities found to have been in possession of no weapon or only a knife or machete increased to approximately one-third.

On March 23, seven officers on mobile patrol shot and killed a person purportedly with mental health disabilities in the southeastern parish of St. Thomas. The only weapon investigators retrieved from the crime scene was a machete.

Authorities arrested two police officers on February 7 for a killing in 2013. Investigations and prosecutions into fatalities by government security forces from prior years continued slowly.

Financial fraud criminals known as “lotto scammers,” narcotics and gun traffickers, gangs, and other criminal groups engaged in widespread criminality and contributed to the country’s very high homicide rate and culture of lawlessness. Through the end of September, there were 1,193 homicides, which marked a 25.4 percent increase over the same period in 2016. Six police officers were killed through September.

Acting on a recommendation from the 2016 report released by the government’s West Kingston Commission of Enquiry, which examined the 2010 Tivoli Incursion that left 73 individuals dead, the government on December 6 officially apologized for the events of the incursion. As of December 7, the government compensated the estates of persons killed during the event, including those of all 16 persons allegedly killed extrajudicially according to the commission, with a total of 134 million Jamaican dollars (JMD) (\$1.05 million).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, although there is no legal definition of torture. Occasional reports of physical abuse of individuals in custody by security personnel continued. Independent commissions investigated all reports of abuse by prison officials, including those allegedly committed against juvenile offenders.

Prison and Detention Center Conditions

Inhuman conditions due to dilapidated infrastructure and overcrowding persisted in detention centers, called police “lock-ups.” In prisons, called correctional centers, ventilation and space improved in several facilities.

Physical Conditions: Overcrowding and difficult conditions remained in many lock-ups. Cells often held up to 11 persons in a space designed for four. Cells were very dark, had subpar bathroom and toilet facilities, and limited ventilation. Detainees were given less than one hour per day out of the cell to use shower facilities and get food and water. Female inmates generally had better conditions than men.

Medical care for detainees in lock-ups was available only through the public medical system and was therefore limited and often delayed. Prisoners in correctional centers, however, had adequate access to medical care, provided through either the department of corrections system or the public medical system. The department of corrections employed three full-time and several part-time doctors, one full-time nurse, and one dentist, and it accessed the public medical system when necessary. Four part-time psychiatrists cared for at least 225 inmates diagnosed as having mental disabilities in 11 facilities across the island. Inmates could not obtain dentures, but correctional centers accommodated the dietary needs of those with dental impairments.

Administration: There was no corrections ombudsman, but independent authorities investigated allegations of inhuman conditions. Official complaints and investigations were infrequent. The Office of the Children’s Advocate investigated matters involving minors.

Independent Monitoring: Justices of the peace and representatives from the Police Civilian Oversight Authority (PCOA) visited correctional centers and lock-ups regularly. The PCOA submitted reports to the Ministry of National Security with recommendations to improve conditions, although citizen groups complained the ministry rarely acted upon the recommendations.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest but permits the arrest of persons “reasonably suspected” to have committed a crime. The law provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court. The government generally observed these requirements.

Security forces conducted “cordon and search” operations, enforced curfews, and established blockades in enforcing two Zones of Special Operation.

Role of the Police and Security Apparatus

The Jamaica Constabulary Force (JCF) has primary responsibility for internal security. The Jamaica Defense Force (JDF), including the Coast Guard, has responsibility for national defense and maritime narcotics interdiction. The government enforced a law, the Zones of Special Operations Act passed in July, which gave the JDF arrest authority and operational partnership alongside the JCF in domestic policing operations in the specified zones. In other areas the JCF continued to conduct joint operations with the support of the JDF.

The Ministry of National Security exercises the prime minister’s authority for oversight of the JCF and JDF. The JCF maintained divisions for community policing, special response, intelligence gathering, and internal affairs. The Passport, Immigration, and Citizenship Agency has responsibility for migration. Civilian authorities maintained effective control over the JCF and JDF.

The Independent Commission of Investigations (INDECOM) investigates actions by members of the security forces and other agents of the state that result in death or injury to persons or the abuse of the rights of persons and, when appropriate, forwards cases to the Office of the Director of Public Prosecutions for prosecution.

As of the end of November, the Office of the Director of Public Prosecutions and INDECOM had active cases of criminal charges against 81 government security officials for their alleged involvement in unlawful killings or other abuses. Lengthy trials with numerous delays, including with respect to those cases involving police officers, continued to be a systemic problem.

INDECOM continued to be unable to execute arrest warrants for 19 police officers it sought to charge with murder and other offenses because the officers took advantage of a lengthy judicial review process through the courts afforded to them

by law. Trial delays, the judicial review mechanism, and a perceived reluctance to discipline police officers for wrongdoing contributed to a sense of impunity with respect to suspected unlawful killings. On November 17, the Court of Appeal overturned the 2015 conviction of a police officer serving a 15-year sentence for wounding with intent and ordered a new trial. As an exception to this trend, on July 14, a court sentenced a former police officer to life imprisonment for murder, which he committed in 2013 while on duty in St. Ann.

Arrest Procedures and Treatment of Detainees

Police officers may arrest without warrant where a felony, treason, or breach of the peace is committed or attempted in the officer's presence. Upon arrest, the officer is required to tell a suspect in clear language the offense(s) for which the individual is being arrested. Any officer may execute any warrant lawfully issued by a judge or justice of the peace for the apprehension of a person charged with any offense, without being in possession of the warrant. The officer must produce the warrant on demand of the suspect as soon as practical after the arrest. The decision to charge or release must be resolved within 48 hours, although a judge or justice of the peace may extend the period of custody.

The law provides for legal assistance for criminal cases if the detainee does not have sufficient means to pay for legal representation. A Ministry of Justice program increased legal assistance to defendants with mental health disabilities, providing 139 individuals with representation as of the end of September. The constitution provides for a right to bail, and there is a functioning bail system. Authorities allowed detainees prompt access to family members.

The law requires justices of the peace and judges to inquire at least once a week into the welfare of each person detained by the JCF.

Pretrial Detention: Lock-ups are intended for short-term detentions of 48 hours or less, but often detainees were held in these facilities without charge or awaiting trial for much longer periods.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trials often were delayed for many years, and at times cases were dismissed due to delay tactics, including no-shows by witnesses for a variety of reasons, not infrequently including death, challenges in impaneling juries, antiquated rules of evidence, and lack of equipment for collecting and storing evidence, among other reasons. Through the end of June, the parish court level had a 58-percent case disposal rate.

The Office of the Director of Public Prosecutions attributed the worsening case backlog at the Supreme Court level to an increasing crime rate with a static number of courtrooms and judiciary personnel as well as to the Committal Proceedings Act's burden on the judicial bureaucracy.

In an effort to lessen the backlog, the government passed the Criminal Justice (Plea and Negotiations) Act in June to increase the rate of plea bargaining, which accounted for less than 1 percent of case resolutions from 2011 to 2016. In September guilty pleas accounted for approximately 90 percent of cases disposed of at the parish court level. In addition, in October courts disposed of 57 cases during two Sentence Reduction Days.

In an increasing number of civil cases, the courts used mandatory alternative dispute resolution in place of traditional trials. Under its Reform Implementation Plan, the Ministry of Justice opened three justice centers, one in the parish of St. Ann on July 8 and two in West Kingston on July 13. The ministry also planned to open 11 more to facilitate restorative justice practices, child diversion, mediation, and an expanded justices of the peace program.

There is a witness protection program, but many eligible witnesses either refused protection or violated the conditions of the program. While the JCF reported that no participant in the witness protection program was ever killed, the program suffered from a number of problems. The government allocated approximately \$1 million in additional funds for the program in February.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The constitution provides defendants a presumption of innocence and the right to counsel and to confront witnesses against them. Defendants have the right to be informed of the charges against them and the right to a fair public trial, within a reasonable time. The Supreme Court tries serious criminal offenses, including all murder cases. Citizens'

reluctance to serve as jurors resulted in a persistent problem of seating jurors, which contributed to the judicial backlog.

Defendants are provided ample time to prepare defense and are not compelled to confess guilt. They have the right to appeal. Public attorneys were available to defend the indigent, except those charged with certain offenses under the Proceeds of Crime Act or the Dangerous Drugs Act. The government provides free assistance of an interpreter for defendants who cannot speak or understand English.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial civil judiciary process. Complainants may bring human rights abuse cases to the courts for civil remediation, but awards are difficult to collect. The government is required to undertake pretrial negotiations or mediation in an attempt to settle out of court, but it often did not do so. When there are settlements, the government often lacks the funds to pay, resulting in a backlog of awards.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the constitution prohibits such actions, the law gives security personnel broad powers of search and seizure. The law allows search without a warrant of a person on board or disembarking from a vehicle, ship, or boat if a police officer has good reason to be suspicious. Police often conducted searches without warrants when there was a reasonable suspicion.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution guarantees freedom of expression, including for the press, and the government generally respected this right. An independent press, generally effective judicial protection, and a functioning democratic political system combined to promote freedom of expression. Independent media were active and expressed a wide variety of views without restriction.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 45 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom.

The Jamaica Broadcasting Commission bars certain lyrics and music videos, including songs referring to violent sex or violence against women, children, and other vulnerable persons, and expunges lyrics deemed inappropriate to broadcast.

b. Freedoms of Peaceful Assembly and Association

The constitution guarantees the freedoms of peaceful assembly and association, and the government generally respects these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Residents complained of the onerous requirement of having to furnish identification when coming in and out of two zones of operations during its September-November implementation.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: Neither the constitution nor the laws provide for the granting of asylum or refugee status. Although the government does not have a system or regulatory framework for processing and providing protection to refugees, it handles refugee and asylum cases administratively. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Freedom to Participate in the Political Process

The constitution guarantees citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Transparent, free, and fair by-elections were held October 30 to fill three seats in parliament. In general elections held in February 2016, the JLP won a majority 32 of the 63 seats in the House of Representatives. Following the election, power transferred peacefully from the People's National Party to the JLP, led by Prime Minister Holness. International election observers from the Organization of American States deemed the general elections transparent, free, and fair but noted isolated incidents of violence prior to and on election day. By-elections for three seats in the House of Representatives were held on October 30, which resulted in the JLP increasing its majority to 33 seats. Local election observers deemed the by-elections transparent, free, fair, and peaceful.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement and enforce the law effectively, and officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The legislature passed and the government began to implement the Integrity Commission Act, 2017, which consolidated three governmental anticorruption bodies into a single Integrity Commission that includes a prosecutorial office.

Because of the government's weak efforts to prosecute officials' alleged corrupt practices, corruption remained a significant systemic problem of public concern. Media and civil society organizations continued to criticize the director of public prosecutions for being slow and at times reluctant to prosecute corruption cases.

Corruption: Through October the Major Organized Crime and Anti-Corruption Agency arrested and charged six officials and 17 police officers with corruption. Courts reached 39 convictions on charges brought by the agency through October. On March 8, prosecutors charged a politician and businessman with forgery and obtaining \$600,000 under false pretenses from 2011 to 2013.

Financial Disclosure: The Integrity Commission Act, 2017 requires that parliamentarians, public officials in positions prescribed in the law, and public officials who earn 3.5 million JMD (\$27,300) or more per year disclose annually their income, liabilities, and assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups and other international bodies generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Public Defender investigates abuses of constitutional rights and engages with clients and the government in a process to seek remediation from the government. The public defender is not authorized to appear in court but may retain attorneys to represent clients on the office's behalf.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The rape of women is illegal and carries a maximum penalty of life imprisonment. The law criminalizes spousal rape only when spouses have separated or begun proceedings to dissolve the marriage; when the husband is under a court order not to molest or cohabit with his wife; or when the husband knows he suffers from a sexually transmitted infection.

The law prohibits domestic violence and provides remedies, including restraining orders and other noncustodial sentencing, but violence against women continued to be a severe problem. Breaching a restraining order is punishable by a fine of up to 10,000 JMD (\$78) and six months' imprisonment.

Sexual Harassment: No legislation addresses sexual harassment, and no legal remedy exists for victims of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Although the law provides for the same legal status and rights for women as for men, including equal pay for equal work, women suffered from discrimination in the workplace and often earned less than men. Domestic workers were particularly vulnerable to workplace discrimination and sexual harassment.

Children

Birth Registration: Every person born in the country after independence in 1962 is entitled to citizenship. Persons outside the country born to or adopted by one or more Jamaican parents, as well as those married to Jamaican spouses are entitled to citizenship.

Child Abuse: The law criminalizes sexual relations by an adult with a child--male or female--under the age of 16 and provides for penalties ranging from 15 years' to life imprisonment. Enforcement of the law, however, was sporadic, especially in rural areas, with child abuse and incest often suspected but not reported to authorities. The law requires anyone who knows of or suspects child abuse to make a report to the registry office, with a penalty of up to 500,000 JMD (\$3,900) and six months' imprisonment, or both, for failure to do so.

Child abuse, including sexual abuse, was substantial and widespread. NGOs reported that gang leaders, sometimes including fathers, initiated sex with young girls as a "right," and missing children often were fleeing violent situations and sexual abuse.

For additional information, see Appendix C.

Early and Forced Marriage: The legal minimum age for marriage is 18, but children may marry at 16 with parental consent.

Sexual Exploitation of Children: The law prohibits sexual intercourse with a person less than 16 years old, the minimum age for consensual sex. Sexual relations by an adult with a child under 16 is punishable by up to life imprisonment. The law provides for a Sex Offenders Registry, which the Department of Corrections administers and police enforce.

The law criminalizes the commercial sexual exploitation of children and applies to the protection, possession, importation, exportation, and distribution of child pornography. It carries a maximum penalty of 20 years' imprisonment and a fine of 500,000 JMD (\$3,900). There were reports of the commercial sexual exploitation of children.

International Child Abductions: As of May the country was a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

Approximately 500 persons in the country practiced Judaism. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities, it does not mandate accessibility standards. Persons with disabilities continued to encounter discrimination in employment and access to schools, usually due to the state of the infrastructure, which limited access to buildings and provided few accessible facilities.

There were limitations in access to education at the primary school level, due to insufficient facilities for persons with disabilities. There was also a lack of suitably trained faculty to care for and instruct students with disabilities, although the constitution guarantees all children the right to primary education. Health care reportedly was universally available but at times difficult to access, especially for deaf and intellectually disabled persons.

The Ministry of Labor and Social Security has responsibility for the Jamaica Council for Persons with Disabilities. The council distributes economic empowerment grants of up to 150,000 JMD (\$1,170) to persons with disabilities to help them develop small businesses and 250,000 JMD (\$1,950) per person for the purchase of assistive aids.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits “acts of gross indecency” (generally interpreted as any kind of physical intimacy) between persons of the same sex, in public or in private, and provides for a penalty of two years in prison for the offense. There is also an “antibuggery” section in the law that criminalizes consensual and nonconsensual anal intercourse, punishable by up to 10 years in prison. During the year the law was enforced only in cases of sexual assault and child molestation and was not used to prosecute consensual same-sex sexual conduct between men. Homophobia was widespread in the country.

The NGO Jamaica Forum for Lesbians, All-Sexuals, and Gays reported that through September it received 23 reports of human rights violations against LGBTI individuals according to its criteria, including 19 incidents of physical assault, five mob attacks, one case of employment discrimination, and six cases in which police failed to respond adequately to reports.

HIV and AIDS Social Stigma

The country’s National HIV/AIDS Workplace Policy prohibits HIV-related discrimination in the workplace and the Public Health (Notifiable Diseases) Act 2003 provides some legal recourse to persons with HIV/AIDS who experienced discrimination. The overall prevalence of HIV reached 2.8 percent among sex workers and 32.8 percent among men who have sex with men, according to UNAIDS data for 2016. Members of these groups were highly stigmatized and had difficulties accessing HIV testing and treatment services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, provides for the rights of workers to form or join independent unions and to bargain collectively. The law does not provide for the right to strike, although the constitution provides for the freedom of peaceful assembly and association. Additionally, the law allows every worker to take part, at any appropriate time, in the activities of any trade union of which he is a member. The law prohibits antiunion discrimination and provides for the Industrial Disputes Tribunal (IDT) to reinstate a worker if a dismissal is found to be unjustified.

The law makes it a criminal offense to prevent or deter a worker from exercising the right to participate in trade union activities or to dismiss, penalize, or otherwise discriminate against a worker for exercising these rights.

The government defines workers in 10 categories as “essential services,” the interruption of which would endanger the life, personal safety, or health of the whole or part of the population. Before they can legally strike, these workers must first take disputes to the Ministry of Labor and Social Security and must allow the ministry to attempt to settle their disputes amicably. Restrictive rules and intimidation reportedly prevented formation of independent unions in economic processing zones. The International Labor Organization continued to raise concerns about the country’s broad definition of essential services.

The law mandates that, in the case of any doubt or dispute as to whether workers may exercise bargaining rights, the labor minister conducts a secret ballot requiring that a majority of workers vote in favor of bargaining for bargaining rights to be granted. For unions that represent less than 30 percent of workers eligible to vote, the minister grants joint bargaining rights to two or more unions. The minister of labor may apply through the Supreme Court to curtail an industrial action such as a strike or lockout when the minister deems that industrial action to be harmful to national security or the national economy, or to have the potential to endanger the lives of a substantial number of persons. In such cases the minister refers industrial disputes to compulsory arbitration.

Although the government in general attempted to enforce the law, defendants were able to appeal and delay resolution of their cases for years. The IDT hears cases

when management and labor fail to reach agreement, including those involving nonunionized workers. While cases are, by law, to be resolved within 21 days, the tribunal decided most cases in four to five months. Some took longer to resolve due to the complexity of the dispute or delays requested by involved parties. The IDT decisions are formal and binding unless challenged specifically on a point of law. Parties may apply for judicial review of the award by the Supreme Court.

Freedom of association and the right to collective bargaining generally were respected. Worker organizations operated without interference by government or political parties although government had authority to monitor union finances. While employers generally respected the law prohibiting antiunion discrimination, some labor unions reported that private-sector workers were fearful of management retaliation against unionization. It was not uncommon for private-sector employers to lay off union workers and rehire them as contractors. The International Trade Union Confederation reported that this hampered workers' ability to organize and bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. A national task force on trafficking in persons consisting of government entities continued its interministerial and public outreach to sensitize citizens to forced labor and trafficking violations. The Child Care and Protection Act prohibits the trafficking of children and penalizes perpetrators with a fine or imprisonment.

Jamaica is a source and destination country for adults and children subjected to forced labor. Foreign citizens were subjected to forced labor and aboard foreign-flagged fishing vessels operating in the country's waters. The penalty for forced labor is imprisonment, a fine, or both, and it was sufficiently stringent to deter violations. While the government investigated some suspected cases of forced labor, it often did not effectively enforce applicable laws.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for general employment is 15, with strict prohibitions on employing children under age 13 in any type of work. The law permits children between ages 13 and 15 to engage in "light work." While the labor ministry does

not have an official definition for light work activities, it maintains a list of prescribed occupations applicable for those ages 13-15.

The government did not effectively enforce its child labor laws. The labor ministry's Child Labor Unit (CLU) is responsible for monitoring and controlling child labor, although its resources and ability were limited. The Occupational Safety and Health Department (OSHD) assisted the CLU in identifying incidents of child labor in industrial establishments covered under the Factories Act. As of September the CLU and OSHD received no reports of suspected cases of illegal child labor. The JCF assists with investigations, depending upon the nature and severity of the case, especially in cases involving the worst forms of child labor, including trafficking and sexual exploitation.

The government attempted to track the number of children involved in child labor through the Youth Activity Survey completed in November in conjunction with the International Labor Organization and Statistical Institute of Jamaica.

Child labor remained a problem. Child domestic workers may be subject to domestic servitude. Some children reported missing in Jamaica were subjected to forced labor. Children performed dangerous tasks in street work and also engaged in the worst forms of child labor, including in commercial sexual exploitation. Children were engaged in illicit activities, including executing financial scams and serving as drug couriers and dealers. They also worked in the farming, fishing, construction, and retail sectors, as well as in garbage scavenging and scrap metal.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Laws and regulations do not prohibit discrimination on the grounds of sexual orientation or gender identity. There were no reports of cases filed for discrimination in employment or occupation during the year, but it occurred since women's salaries lagged behind men's, and persons with disabilities often lacked access to the workplace.

e. Acceptable Conditions of Work

The minimum wage, which the government reviews each year, was 6,200 JMD (\$48) per week. According to 2015 statistics of the Planning Institute of Jamaica,

the official poverty line estimate for both male and female adults was 132,506 JMD (\$1,034) annually, below the annual minimum wage. Most workers received more than the legal minimum wage, and some minimum-wage earners held two or more jobs.

The law provides for a standard 40-hour workweek and mandates at least one day of rest per week. Work in excess of 40 hours per week must be compensated at overtime rates, a provision employers generally respected. The law also provides for paid annual holidays. The law restricting work in excess of 12 hours in a day is not applicable to all workers.

The government did not effectively enforce the law. Insufficient staffing in the Ministries of Labor and Social Security, Finance and Public Service, and National Security contributed to difficulties in enforcing workplace regulations. The government sets occupational safety and health standards, which were appropriate for the main industries in the country. Legal fines or imprisonment were generally sufficient to deter violations, and the labor ministry gained compliance in the vast majority of cases by threatening legal action. The law has no provisions that explicitly give workers an ability to remove themselves from hazardous conditions without jeopardy to employment.

The labor ministry employed an insufficient number of inspectors to enforce compliance with labor laws and report on minimum wage, health, and safety violations in workplaces throughout the country. The ministry's Industrial Safety Division enforced industrial health and safety standards. It conducted inspections, investigated accidents, warned violators, and gave them a period in which to correct the violation. If the violation was not corrected within that time, the violator was taken to court. Penalties and fines are stipulated by law, and the minister of labor and social security has the authority to increase any monetary penalty. The ability of defendants to appeal a case in the court system for years mitigated the effectiveness of penalties.

Some unofficial sources estimated that up to 40 percent of citizens worked in the informal sector, where the labor law applied. There were four fatal workplace accidents through November 27.