



Human Trafficking in Jamaica:

A Clear and Present Danger



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HUMAN TRAFFICKING IN JAMAICA: A Clear and Present Danger

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List of Abbreviations

A-TIP-IP	Anti-Trafficking in Persons & Intellectual Property Vice Squad
ATM	Automated Teller Machine
CDA	Former Child Development Agency
CISOCA	Centre for Investigation of Sexual Offences and Child Abuse
CPC	Child Protection Compact
CPFSA	Child Protection and Family Services Agency
CXC	Caribbean Examinations Council
DSP	Deputy Superintendent of Police
EARA	Employment Agencies Regulation Act
EDF	European Development Fund
GOJ	Government of Jamaica
GNAT	Grade Nine Achievement Test
HEART Trust NTA	Human Employment and Resource Training Trust/National Training Agency
ICMPD	International Centre for Migration Policy Development
IAs	Internal Assessments
ID	Identification
ILO	International Labour Organization
IOM	International Organization for Migration
ISPCAN	International Society for Prevention of Child Abuse and Neglect
JCF	Jamaica Constabulary Force
JP	Justice of the Peace
JSIF	Jamaica Social Investment Fund
JTB	Jamaica Tourist Board
KAP	Knowledge, Attitude and Practices
MCBSP	Multi-Country Border Security Programme
MDAs	Ministries, Departments and Agencies
MFAFT	Ministry of Foreign Affairs & Foreign Trade
MLSS	Ministry of Labour and Social Security
MOEYI	Ministry of Education, Youth and Information
MOH	Ministry of Health
MOU	Memorandum of Understanding
NATFATIP	National Taskforce Against Trafficking in Persons
NCR	National Children's Registry (Formerly the Office of the Children's Registry)
NGO	Non-governmental Organization

NIS	National Insurance Scheme
NRM	National Referral Mechanism
NPSC	National Parenting Support Commission
OCA	Office of the Children’s Advocate
OCR	Office of the Children’s Registry
ODPP	Office of the Director of Public Prosecutions
ONRTIP	Office of the National Rapporteur on Trafficking in Persons
OSHD	Occupational Safety and Health Department
PAJ	Port Authority of Jamaica
PATH	The Programme for Advancement through Health and Education
PCM	Project Cycle Management
PCEB	Pay and Conditions of Employment Branch
PICA	Passport Immigration and Citizenship Agency
PIOJ	Planning Institute of Jamaica
POCA	Proceeds of Crime Act
PRC	People’s Republic of China
RBM	Results-Based Management
REDTRAC	Caribbean Regional Drug Law Enforcement Training Centre
SBA	School-Based Assessments
SDA	Seventh-day Adventist
SDG	Sustainable Development Goals
SOPs	Standard Operating Protocols
TIP	Trafficking in Persons
TRN	Taxpayer Registration Number
TVPA	Trafficking Victims Protection Act
UCC	University of the Commonwealth Caribbean
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations International Children’s Emergency Fund
UNICRI	United Nations Inter-Regional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
US	United States
USDOL	United States Department of Labour
VSD	Victim Services Division

Message from the National Rapporteur

Diahann Gordon Harrison

National Rapporteur on Trafficking in Persons



As Jamaica's National Rapporteur on Trafficking in Persons, I am committed to providing an independent and objective reporting mechanism on the issue of Trafficking in Persons, through the production of this annual report to Parliament on the nature and scope of Human Trafficking in Jamaica. This passion is also held dear by the team of persons whom I am privileged to lead in this endeavour and it is our hope that you will find this report both informative and useful.

As I reflect on how much has transpired since the tabling of the first report in Parliament in 2018, I can't help but recall the comment that I made concerning the fact that one of the biggest enablers that allows Human Trafficking to thrive and to seemingly grow from strength to strength, is the doubt that is still harboured by many persons in Jamaica that Human Trafficking is not real. Even if there is some concession that such a phenomenon does exist, many are slow to believe that it is a major issue for Jamaica. This myth perpetuates a continuing misunderstanding that will contribute to our failing to comprehensively and decisively address the problem.

Included in this edition of ONRTIP's report, is a Special Feature suitably entitled *From the Shadows... Transitioning from Victim to Survivor*.

Human Trafficking is happening, sometimes in plain sight, but because of how deep these inaccurate uncertainties run, the elements are sometimes not recognized for what they are – both by members of the general public and even among stakeholders who are well-placed to positively contribute to the fight against TIP. As a consequence of this lingering issue, this report has sought to tackle the matter head on. Included in this edition of ONRTIP's report, is a Special Feature suitably entitled *From the Shadows... Transitioning from Victim to Survivor*. In this exposé, a very brave Jamaican woman who was a primary victim of Human Trafficking in the form of Sexual Exploitation sat down with us and gave of her time and her embraced commitment to share her story so that

if at all possible, her experiences can help someone avoid this pitfall and debilitating life experience. We remain deeply appreciative to her. It is my hope that by sharing her experience through the pages of this report, it will confirm to every reader that Human Trafficking is not only real, but it is here within our shores.

Another strategy which this Report has adopted makes heavy reference to some critical areas of the first report. These include the extensive overview of the state of affairs concerning local anti-trafficking efforts; the efforts to develop a credible profile of trafficking survivors; geographical hotspots within the country; and typologies of this heinous crime.

Of tremendous significance as well, were the several recommendations made by me to advance Jamaica's anti-human trafficking efforts and initiatives through targeted action and coordination among diverse stakeholders within the relevant Ministries, Departments and Agencies of government. In this second iteration of the annual report to Parliament, the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) sought to assess whether any of the recommendations made by the National Rapporteur were implemented by key stakeholders tasked with improving Jamaica's counter-trafficking profile.

The report also provides current data and information on the actions of the GOJ to combat the scourge of Human Trafficking for the period under review (i.e. April 2018 to March 2020). In this regard, it remains a great source of pride and gratitude for ONRTIP, that we were able to have very meaningful collaborations with valuable external partners which enabled ONRTIP to substantially contribute to some of these gains that the country experienced – in this vein, I pause to recognize and thank the

British High Commission (Kingston) and the WARNATH Group (USA), among others. These contributions are elaborated on in detail throughout this Report.

Human Trafficking remains one of the greatest ills of modern society. The foot print of Human Trafficking can be, and in some instances is, stealthily embedded into many aspects of our daily lives, including in the goods and services that we may purchase or in the knowing look of contempt or pity that we reserve for a woman who seemingly offers sex for survival.

It is incumbent on all well-thinking Jamaicans to play their part in ending the suffering, horror and torture that is regularly meted out to trafficking victims by their traffickers. The exploitation of people who are less capable of defending themselves against the guile of a trafficker who has set sight on them with an intention to ensnare them, reasonably ought not to be measured against the same yardstick as someone who is more formidable and able to discern trouble and resist it. Despite the significant progress that has been achieved, there is still much work which needs to be done and we should be very mindful of that.

ONRTIP will continue to play its role in shining the spotlight on Human Trafficking through research, independent and effective monitoring and reporting. We recommit to promoting protection services and protocols which are trauma-informed and victim-centred; an improved and fortified mechanism to investigate, prosecute and punish traffickers; and advocating for public education messaging that is targeted, relevant and easily grasped by vulnerable groups who need it most, as well as members of the general public.



National Rapporteur

In Loving Memory of the Late Christann Dillon



(Former) Research Analyst, Office of the National
Rapporteur on Trafficking in Persons (ONRTIP)

We are grateful for the significant mark you have left in this world and the contributions you have made through your work at ONRTIP for the year that you were with us.

This Second Annual Report is dedicated to the memory of Christann Dillon, who is remembered with great adoration and respect by her co-workers. Gone, but not forgotten.



CHAPTER 1:

Introduction and Overview

What is Human Trafficking?

Human Trafficking, otherwise termed as Trafficking in Persons, is a gross violation of human rights which continues to plague individuals, communities, and countries worldwide. Highlighted within Article 3, Paragraph (a) of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, herein referred to as The Palermo Protocol, Human Trafficking is defined as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (United Nations Office on Drugs and Crime, 2004).

This definition consists of three core elements:

- 1 The **ACTION** of trafficking which entails the recruitment, transportation, transfer, harbouring or receipt of persons. This element may sometimes include the movement of victims from one location to another, though this is not necessary, and even if there is movement, it does not have to be across international borders. Traffickers tend to employ innovative methods of transporting their victims whether by land, air or water. If across international borders, traffickers are able to gain forged documentation such as visas, passports and other forms of identification. Victims may also be concealed in secret compartment of ships or vehicles, or might be quite visible but controlled by threats or force from their trafficker. Victims can travel alone, with

other victims, in larger groups including smuggled migrants, or along with their trafficker. For further manipulation, the trafficker tends to withhold all identification and travel documentation from the victim(s), except when required for inspection at certain locations such as border security checkpoints at the airport. Even in these circumstances, if the trafficker is travelling with the victim, it is (s)he who produces the victim's travel documents to immigration and customs officials.

- 2 The **MEANS** of trafficking involves threat of or use of force, deception, coercion, abduction, fraud, or abuse of power or position of vulnerability. Oftentimes recruited through the tactic of grooming, traffickers may offer their victims false promises or incentives such as attention, money, better opportunities or drugs. The means essentially refers to the form of manipulation used by traffickers to gain control over their victims.
- 3 The **PURPOSE** of trafficking is always exploitation. This element thus focuses on the extent to which traffickers exploit or manipulate their victims for personal gain. Article 3 of the **Palermo Protocol** defines exploitation in the following terms:

"...Exploitation shall include, at a minimum, the exploitation or, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

(United Nations Office on Drugs and Crime, 2017).

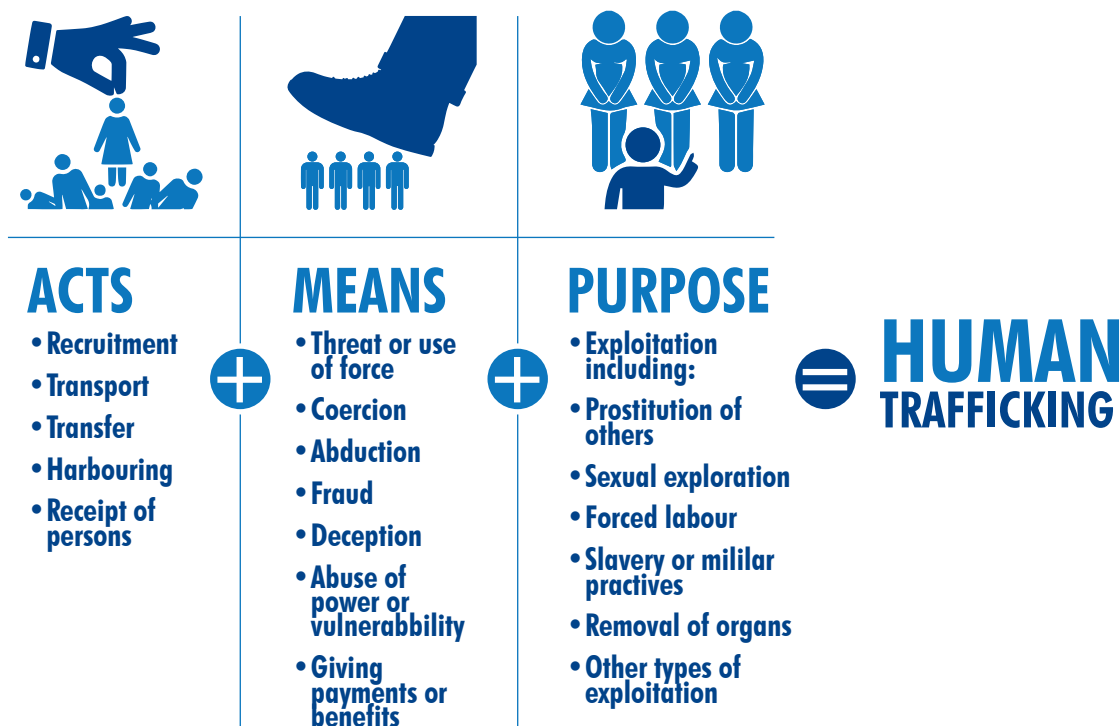


Figure 1: Definition of Human Trafficking

The United Nations Office on Drugs and Crime (UNODC) further explains that,

“the crime of trafficking [should] be defined through a combination of the three constituent elements [actions, means and purpose] and not the individual components, though in some cases three individual elements will constitute criminal offences independently.”¹

All three elements would thus need to be present to successfully prosecute a perpetrator for the offence of Human Trafficking.

The Trafficking of Children

Child Trafficking is a form of Human Trafficking that is recognized as a gross injustice to the rights and best interest of children (i.e. a person under 18 years of age). According to The Palermo Protocol, Child Trafficking is defined as the recruitment, transportation,

transfer, harbouring and/or receipt of a child for the purpose of exploitation (United Nations Office on Drugs and Crime, 2017). Based on this definition, for a child to be considered a victim of Human Trafficking, there needs to be an action for the purpose of exploitation. The presence of the means is therefore not required for a successful prosecution.



The issue of Child Trafficking remains a serious

¹ See UNODC (2009), Anti-Human Trafficking Manual for Criminal Justice Practitioners, Module 1, and p.4.

problem in Jamaica as a large proportion of the trafficked victims are children. Children can be exploited through criminal activities such as illegal adoption, domestic servitude, forced begging, commercial sexual exploitation and street crimes. In fact, all the forms of Trafficking that affect adults can (and do) impact children. Some of the devastating consequences for children may involve severe physical and psychological trauma, disease, drug addiction, unwanted pregnancies and even death.



NOTE: Special focus will be placed on Child Trafficking throughout this report, highlighting and exploring the different forms in which it exists, and the various factors which perpetuate its occurrence.

Human Trafficking as a Human Rights Violation

The Charter(s) of the United Nations and the Universal Declaration of Human Rights confirm that all rights are universal, and as such all individuals are entitled to these rights. A challenge emerges when the rights of individuals are intentionally violated and harm, of whatever magnitude, is inflicted upon that individual. The practice of Human Trafficking strategically violates and impairs the individual's fundamental human rights which is clearly prohibited under international human rights law. In some instances, specific vulnerable groups, including children and persons with disabilities subjected to trafficking, may be in a position to claim different or additional rights.

The human rights which are most relevant to Trafficking in Persons include:

- The prohibition of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status
- The right to life
- The right to liberty and security
- The right not to be subjected to slavery, servitude, forced labour or bonded labour
- The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment
- The right to be free from gendered violence
- The right to freedom of association
- The right to freedom of movement
- The right to the highest attainable standard of physical and mental health
- The right to just and favorable conditions of work
- The right to an adequate standard of living
- The right to social security
- The right of children to special protection

Increasing Support for Survivors

The identification, rescue and provision of support to trafficked victims are priority areas that must be addressed in order to effectively protect all victims and safeguard their rights in Jamaica. As the country seeks to adopt and adhere to international best practices, it is important that victims are referred and/or exposed to the services they are entitled to receive. It is also essential that all written policies, standard operating protocols and procedures are clear, understandable and functional for use. Therefore, the government's initiatives should aim to increase the support provided to victims of Trafficking in Persons, as well as ensure that their needs are met after careful assessment is done on a case-by-case basis. Key support provided to a victim may include identification, direct assistance and reintegration support.

1 Identification: This process involves screening, verifying and ascertaining information concerning whether the individual is in fact a victim of Human Trafficking. It is vital that key stakeholders such as frontline officials who often come into contact with victims adopt

standardized procedures to screen for indicators of Human Trafficking, particularly among the vulnerable populations.

2 Direct assistance: A victim of Trafficking in Person is entitled to direct assistance within the shortest possible time. Key services typically required by victims of trafficking include efforts that safeguard personal safety and security, health care, accommodation/shelter, counseling/ psycho-social support, education and/or employment and legal support.

3 Reintegration support: This process involves facilitating the victim's seamless transition back into his/her family, community and countries of origin with the intent of having him/her resume life thereafter, in as normal a fashion as ever. When repatriation becomes a necessary consideration, the process may involve the victim being allowed to stay in the host country or be transferred to an alternate country if return is not possible. It is crucial that the victim is provided with reintegration support which facilitates his/her long-term safety, well-being and independence outside of a shelter.



Figure 3: One (1 %) percent of Human Trafficking victims Rescued



CHAPTER 2:

Profile of the Office of the National Rapporteur on Trafficking in Persons

“Let it not be said that I was silent when they needed me.”

– William Wilberforce

Who is a Rapporteur?

The word rapporteur was adopted into the English language in the early 16th century and is derived from the French verb *rapporter* meaning “to bring back, report or refer.” A rapporteur is a person whose job is to do research and present official reports on a particular subject matter. Rapporteurs are charged with conducting inquiries into violations and to intervene and address urgent situations. They oftentimes play an integral role in advocacy and the protection of human rights. A rapporteur is usually required to study and prepare a report on a country’s situation in relation to a particular human rights issue and express their views in an independent capacity.

The Finnish Model for National Rapporteur

Jamaica’s National Rapporteur on Trafficking in Persons was modelled off the Finnish model which, like the Jamaican model, is an appointment based upon guidelines outlined in a Terms of Reference document. This appointment places Jamaica among a small elite group of countries who have also appointed rapporteurs as a part of their response(s) to combat Human Trafficking within their shores. To date, we remain the only country in the Caribbean to have a National Rapporteur.

In Finland, the National Rapporteur on Trafficking in Human Beings is also the Ombudsman for Minorities and receives her powers under Section 2(a) of *The Act on the Ombudsman for Minorities and the National Discrimination Tribunal (660/2001)*. Section 2(a) of the Act provides that the National Rapporteur must submit an annual report to the Government and a report every four years to Parliament concerning Human Trafficking and related

phenomena. Under section 4 of the Act, the National Rapporteur may assist, or appoint a subordinate official to assist, a victim of ethnic discrimination or a possible victim of Human Trafficking in securing the person’s rights or, if necessary, obtain legal assistance for the person for this purpose if she considers that the matter is of considerable importance for preventing ethnic discrimination or for securing the rights of a possible victim of Human Trafficking. A government proposal also outlines that in reporting on Human Trafficking, the duties of the Ombudsman for Minorities as the National Rapporteur include collecting data on Human Trafficking from the authorities, and on certain conditions from service providers, and analysing these data. The National Rapporteur also monitors actions against Human Trafficking in order to identify potential weaknesses. She may issue opinions on shortcomings observed and give advice to parties involved in activities addressing Human Trafficking. The Finnish National Rapporteur monitors compliance with international obligations regarding Human Trafficking and the effectiveness of national legislation. Being an independent monitoring party, the Rapporteur supports the implementation of the National Plan of Action against Trafficking in Human Beings and legislative.

Appointment of Jamaica’s National Rapporteur

In keeping with Jamaica’s commitment to strengthen its measures to combat and eliminate all forms of Trafficking in Persons, Cabinet appointed its first National Rapporteur on Trafficking in Persons in 2015 to create a more objective reporting system on the issue of Trafficking in Persons in Jamaica.

MISSION

Fostering a grounded culture of accountability, coordination, collaborative and sustained action in the fight to combat Trafficking in Persons and Human Smuggling, through research, effective and independent monitoring and reporting.

VISION

Jamaica's Human Trafficking profile improved through local, regional and international partnership, coupled with sustained efforts aimed at the prevention of Trafficking in Persons and Human Smuggling, vigorous prosecution and conviction of traffickers, and increased identification and protection of the human rights and dignities of trafficked victims.

Mrs. Diahann Gordon Harrison, Jamaica's *first National Rapporteur on Trafficking in Persons*, was appointed by the Executive arm of the Government of Jamaica (the Cabinet) on March 10, 2015 in that capacity. Though appointed then, there was no structural or budgetary support established and as such, under the leadership of Mrs. Gordon Harrison, one of the first items of business was to secure some degree of support for the performance of the expected functions, in the form of both budgetary provision and human resources. In this regard, there was some modest success and in 2016 one (1) member of staff was recruited and a start-up budget (albeit small) was allotted to the Office of the National Rapporteur on Trafficking in Persons in April 2016; this effectively marked the inception date of the *Office of the National Rapporteur on Trafficking in Persons (ONRTIP)*. Since then, other modest strides have been made as during the current reporting period there has been an addition to ONRTIP's staff which saw one (1) Research Analyst as of August 2018 and

a total of two (2) Anti-Human Trafficking Officers as at September 16, 2019. Further efforts continue to be made in a bid to secure additional staffing so that the office may more ably discharge the functions ascribed to it. In summary, these include the desire to secure two (2) additional Research Analysts and an Information Systems Officer.

Currently, the Anti-Human Trafficking Officer(s) and the Research Analyst assist the Rapporteur in information gathering through various research initiatives, conduct detailed analysis of secondary sources of information, facilitate consultations between stakeholders and *The Office of the National Rapporteur on Trafficking in Persons*, attend and make observations on Human Trafficking-driven police raids/operations and attend court in relation to Human Trafficking matters. ONRTIP is a stand-alone entity with its own scope of responsibility but for convenience, is currently based within the Office of the Children's Advocate (OCA) as the National Rapporteur is also Jamaica's Children's Advocate.

Duties of Jamaica's National Rapporteur

The Office of the National Rapporteur on Trafficking in Persons (ONRTIP) plays a pivotal role as an independent observer of Jamaica's Human Trafficking initiatives and as a stakeholder in the overall fight against Trafficking in Persons. The appointment of the National Rapporteur on Trafficking in Persons is the first of its kind in the Caribbean region and is to be viewed as a positive development. In fact, it has been lauded as such by external (international) stakeholders who work in the field of Human Trafficking and it exemplifies the seriousness of the Jamaican Government and its commitment to develop innovative strategies to enhance its anti-trafficking profile and to ultimately eradicate Human Trafficking.

Mandate of the National Rapporteur

As an independent observer of Jamaica's initiatives to combat Human Trafficking, the Office of the National Rapporteur on Trafficking in Persons is tasked with the mandate to:

- 1 Create a more objective reporting system on the issue of trafficking in the country;
- 2 Obtain from the relevant authorities any information that is necessary to carry out the duties of the Office;
- 3 Conduct independent investigations (inquiries) concerning reports of alleged instances of Human Trafficking where the need arises;
- 4 Report on violations of the rights of victims, wherever they may occur, as well as discrimination, threats or use of violence, harassment, intimidation or reprisals directed at persons exercising these rights;

- 5 Provide an analytical overview of the situation of trafficking in an annual report to the Government of Jamaica.

The National Rapporteur also tracks developments taking place in the field of Human Trafficking and the effects of any relevant policy. As previously stated these duties are similar to national rapporteur mechanisms in other jurisdictions.

Benefits of Having a National Rapporteur

- 1 **Independent Reporting Mechanism:** The National Rapporteur plays an independent role in Jamaica and as such has the distinct responsibility to observe the activities and policies of all the different Ministries, Departments and Agencies and the National Taskforce as they seek to combat Human Trafficking in Jamaica. This responsibility also extends to the Rapporteur's observations on relevant legislation. The National Rapporteur produces an impartial annual report which assesses the government's successes and gaps, and makes targeted recommendations for improvements.
- 2 **Objective Critique:** The National Rapporteur's assessment of the situation of Trafficking in Persons in Jamaica and the Government's efforts to combat its occurrence is objective in nature. The report of the National Rapporteur upholds standards which are unbiased and transparent; NGOs and MDAs should feel at ease in providing the Office with access to their data so that a true reflection of the state of Human Trafficking can be had and appropriate steps taken to treat with the scope of the problem.

Staffing

The Office of the National Rapporteur on Trafficking in Persons (ONRTIP) began with a staff compliment of two (2): the National Rapporteur and the Anti-Human Trafficking Officer who was engaged on Monday, January 04, 2016. It is important to highlight that though the appointment of the National Rapporteur was made on March 10, 2015, there were no financial or human resources allocated to ONRTIP until a robust representation was made to the Ministry of Finance & Planning, which led to the engagement of an Anti-Human Trafficking Officer in 2016. Since then, further representation has been made to the Ministry of Finance & Planning seeking approval for additional staff.



ONRTIP & Social Media

To optimize the functionality of ONRTIP, the Office launched its Facebook, Twitter and Instagram accounts, the aim being to aid in raising the public's awareness about Human Trafficking, as well as the existence and work of ONRTIP. With social media platforms being a "one stop shop" for communicating and sharing information within the global social media community, there is a potential for ONRTIP's Facebook, Twitter and Instagram pages to be used as portals through which reports may be received about leads and information related to the incidence of Human Trafficking for on-going referral(s) to the relevant services/agencies, where necessary.

With an increase in the consistency of weekly posts, the public's level of engagement on ONRTIP's social media platforms has

experienced significant growth. The numbers of followers, enquiries and requests for information related to Trafficking in Persons have also heightened. These positive developments mean more awareness about Human Trafficking.

ONRTIP's Five Priority Areas

In assessing Jamaica's current situation in relation to Trafficking in Persons, ONRTIP has adopted five (5) priority areas or the "5P's"; these can be viewed as an off-shoot of the monitoring and evaluation framework outlined in the *Palermo Protocol*. This report, for instance, was structured using the 5P's strategy to evaluate Jamaica's efforts to combat Human Trafficking for the period 2018-2019.

These P's are:-

- Prevention: the use of public education and sensitization initiatives to prevent persons from falling prey to Human Trafficking.
- Protection: Providing suitable and adequate support for actual and potential victims of Trafficking.
- Prosecution: Prosecuting and convicting individuals and criminal groups perpetrating the crime of Trafficking in Persons.
- Policy: Developing and implementing policies geared at the effective prevention of Trafficking, safeguarding the human rights and liberties of trafficked victims, and the vigorous and speedy prosecution and conviction of traffickers.
- Partnership: Taking steps to forge local and international partnerships to aid in combating the scourge of Human Trafficking.

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Priority 1: Prevention

The National Rapporteur recognizes that the most effective means through which to win the fight against Human Trafficking is to prevent it from happening in the first place. Whilst prevention activities do not form a part of the core functions or mandate of ONRTIP, the National Rapporteur considers it necessary to enquire into the effectiveness of the various activities of the National Taskforce and other relevant stakeholders and to assess their capacity to undertake such activities through sustained actions and initiatives. During the period under review as well, ONRTIP sought to buttress the prevention strategies being pursued as it developed and launched an e-learning tool that sensitizes stakeholders as to what Human Trafficking is; how to identify it; and how to treat with potential victims of trafficking. This initiative was funded by the British High Commission and should go a far way in building the capacity of diverse stakeholders, thus enhancing the preventative framework.

Evaluation of NATFATIP's Integrated Trafficking in Persons Information System and Database

Jointly developed by the Ministry of Justice and the United Nations Development Programme (UNDP) in August 2015, the Integrated Trafficking in Persons Information System and Database was designed as a web-based system which functions as the central data repository for the National Taskforce Against Trafficking in Persons. It uses the templates of the International Organization for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD) which stipulate the standards for data collection pertaining to traffickers and victims.

The evaluation of NATFATIP's database involved:

- Assessing the effectiveness of the Integrated Trafficking in Persons Information System and Database which seeks to collect, analyse and share Trafficking in Persons related data.
- Identifying the gaps within the Integrated Trafficking in Persons Information System and Database.
- Examining the implications of the database on policy, programme and strategy development geared towards the prevention, prosecution, protection and partnership in Human Trafficking related matters.

A Few Highlights from the Evaluation

Though expounded upon in Chapter 7 of this report, some of the main findings of the evaluation include:

- The lack of consistent and timely reporting of data from the different stakeholders to update the database. It is reported that key stakeholders oftentimes experience difficulty in balancing the demands of their daily job functions and the requirements of reporting to the taskforce.
- The secretariat currently faces the challenge of a lack of sufficient staff. A database manager/clerk is required to gather data, update the database in a timely manner, and follow-up on the cases that have been identified, investigated and tried in court.
- The database has yet to contribute to any policy, strategy and programme development on initiatives to combat Human Trafficking.

Interviews With Key Stakeholders Involved In The Fight Against TIP

ONRTIP conducted a number of interviews with key stakeholders that play either a direct or indirect role in the fight against Human Trafficking. The purpose of these interviews was to assess the Government's current and future efforts to combat Human Trafficking, prosecute offenders and protect the rights of victims. The Office also sought to assess the responses of the various Ministries, Departments and Agencies to the recommendations made by ONRTIP in its inaugural annual report which was tabled in the Houses of Parliament in 2018, as well as those outlined in the US Department of State's 2018 TIP Report.

Interviews were held with stakeholders of the following MDAs and NGO groups:

1. Jamaica Constabulary Force – Anti-Trafficking in Persons & Intellectual Property Vice Squad (CTOC)
2. Jamaica Customs Agency (JCA)
3. Jamaica Defence Force (JDF)
4. Justice Training Institute (JTI)
5. Love March Movement (NGO)
6. Ministry of Labour & Social Security (MLSS)
7. Office of the Director of Public Prosecutions (ODPP)
8. Passport Immigration & Citizenship Agency (PICA)
9. Planning Institute of Jamaica (PIOJ)
10. Port Authority of Jamaica (PAJ)
11. Pursued International (NGO)
12. The Child Protection and Family Services (CPFSA – formerly the Child Development Agency)
13. The National Children's Registry (NCR- the former Office of the Children's Registry (OCR)
14. The National Taskforce Against Trafficking in Persons (NATFATIP)
15. Theodora Project
16. Victim Services Division – Ministry of Justice

Some of Their Main Perspectives

- A** Most stakeholders reported that there has been an increased effort by the government to prevent Trafficking in Persons, protect victims and prosecute offenders. These efforts have manifested themselves in the exposure to training/sensitization sessions, public awareness campaigns, investigations and prosecution of TIP cases.
- B** Most stakeholders had been engaged in either a Trafficking in Persons training or sensitization session during the current reporting period.
- C** Many stakeholders recommended that the public education campaigns, implemented to raise awareness concerning Human Trafficking, should be more creative and relevant to the general public.

Sensitization Session at the Immaculate Conception High School (St. Andrew, Jamaica)



Immaculate Sensitization Session 2018



The National Rapporteur on Trafficking in Persons was invited to a special devotion at the Immaculate Conception High School as a part of their month long Human Trafficking awareness activities. The National Rapporteur's presentation sought to heighten the students' awareness to the reality of Human Trafficking in Jamaica, the signs and how they can protect themselves from being a victim.

Observation of Trafficking in Persons Sensitization Session

Royalton Negril Hotel (Westmoreland, Jamaica)

On the initiative of the Head of the Lay Magistrates of St. James, Mrs. Claudette Bryan, two (2) Human Trafficking sensitization sessions were organized to increase the awareness of the staff at the Royalton Negril

Hotel. The Anti-Human Trafficking Officer and the Research Analyst were able to observe the first sensitization session which was conducted with thirty-two (32) staff members of the hotel's management team. DSP Berry from the Anti-Trafficking in Persons Unit led the session and engaged the group on topics such as:

- Sex tourism or romance tourism
- Types of Human Trafficking
- Role of hotel staff in the fight against trafficking

ONRTIP's Observation(s)

ONRTIP recognizes the importance of obtaining feedback from the various hotel employees who benefited from the sensitization session(s). Based on this, the Anti-Human Trafficking Officer queried whether the Anti-Trafficking Unit (JCF) had a standardized evaluation form which they could disperse to the group. Though ONRTIP was told that there is an evaluation form available, there is a lack of consistency in how the forms are utilized to obtain feedback from various groups. It is thus recommended that the JCF should be more strategic in how the evaluation form is utilized to capture data about the efficiency and benefit of these sessions.

Journey 2 Free (NGO Organization)

Founded by Mrs. Larissa Rhone, *Journey 2 Free* is an organization which is based in the parish of St. Thomas and seeks to assist victims of abuse by reassigning their shame through Acknowledgment, Acceptance, Personal Growth, Self-Discovery and Personal freedom. Of interest as well, is that *Journey 2 Free* is also registered in the United States but the overwhelming majority of its work is

done in Jamaica. The Anti-Human Trafficking Officer was invited to make a presentation to the children who were victims of child sexual abuse. As a vulnerable population, it was important that these individuals were exposed to the potential risks of being trafficked.



Source: Journey 2 Free

Priority 2: Protection

The National Rapporteur, being mandated to report on the violations of the rights of victims, considers it of utmost importance to ensure that victims are provided with the necessary information regarding the services available to them in Jamaica. In the reporting period 2018-2019, ONRTIP collaborated with the British High Commission to produce the *Human Trafficking in Persons Survivors' Handbook*.

The Human Trafficking in Persons Survivors' Handbook provides victims, now survivors, with information about their basic rights in Jamaica and also serves as a guide to the support services that exist in the country which can aid them in the process of their recovery. This handbook is the product of extensive research, a review of international best practices and human rights instruments, as well as a wide consultative process which included different key stakeholders who have worked with trafficked victims in Jamaica or by virtue of their employment, will have the opportunity to do so. The Human Trafficking in Persons Survivors' Handbook is currently

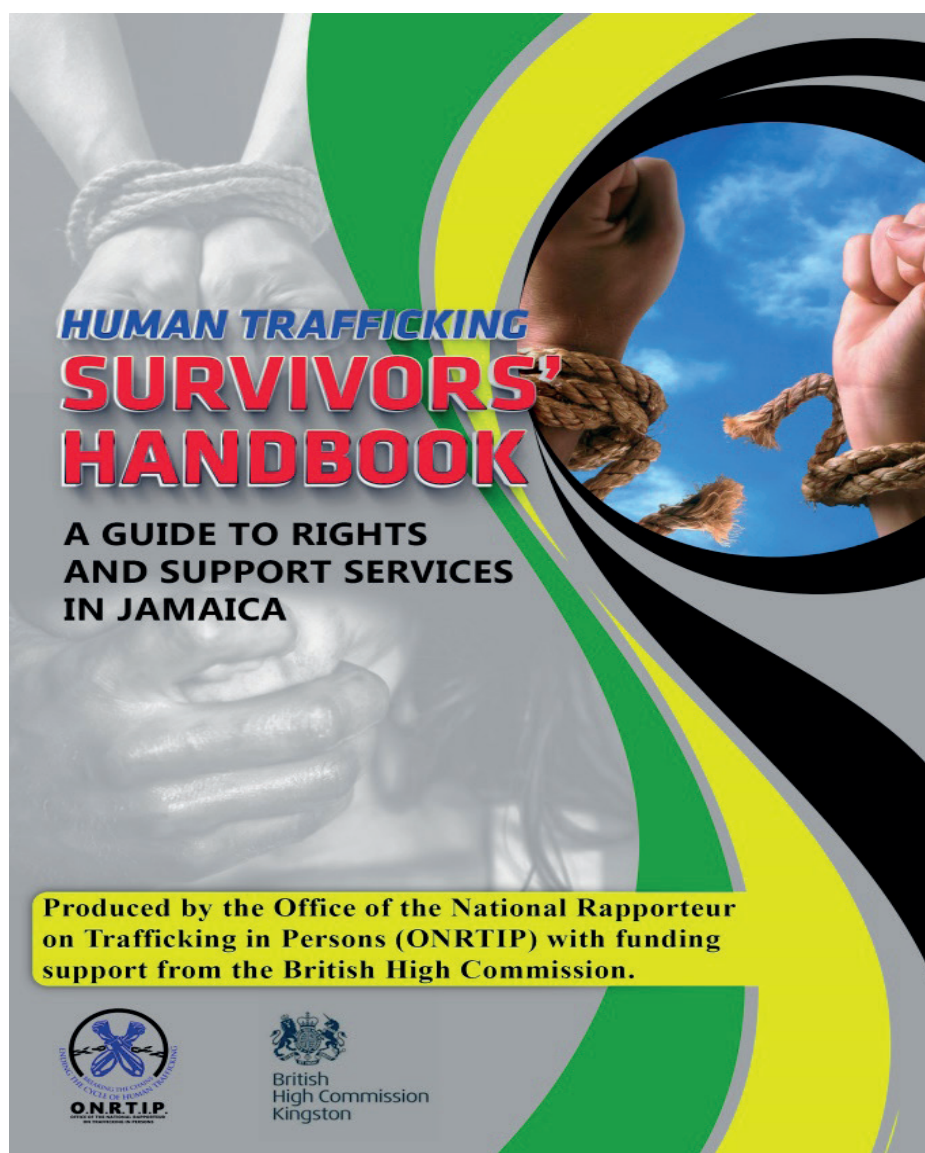
being used as a guide to assist the Maltese government in developing its own toolkit to reach actual and potential victims of Human Trafficking.

The information provided is both practical and user-friendly to guide survivors towards the path of recovery. The Handbook features the contribution of an **actual survivor** of Human Trafficking and covers six (6) priority areas:

- Personal Safety and Security
- Medical Assistance
- Accommodation

- Counselling/Psycho-social support
- Education and/or Employment
- Legal Support

The relevant Ministries, Departments and Agencies in Jamaica, and all nineteen (19) Jamaican Missions and Embassies Overseas have received copies of ONRTIP's publications, including the **Human Trafficking Survivors' Handbook**. It is hoped that the Survivors' Handbook is utilised and forms part of the country's anti-trafficking toolkit to be used by both survivors and stakeholders who interface directly with trafficking victims/survivors.



Priority 3: Prosecution

ONRTIP, despite its limited resources, has embarked upon a number of activities geared at developing a better understanding of the local sphere of activities surrounding the issue of Trafficking in Persons. One such initiative undertaken involves court attendance and observing trafficking matters that are listed before the several courts. Through this avenue ONRTIP was able to assess the manner in which the court treated with both human trafficking victims and alleged human trafficking offenders. ONRTIP was able to observe the prosecution of several Human Trafficking cases before the court including *R v Cory Hayden, R v Kevin White and R v Mary-Ann Downie*.

One significant triumph for the Government of Jamaica (GOJ) during the reporting period 2018-2019 is the affirmation of the conviction of Rohan Ebanks by the Court of Appeal. The accused, Ebanks, trafficked a Haitian teenage girl to Jamaica, kept her in servitude and sexually exploited her repeatedly. In June 2016, Ebanks was found guilty by a seven (7) member jury in the Supreme Court before the Honourable Mr. Justice Courtney Daye. This is a significant development as this is the first Human Trafficking conviction to be reviewed by the Court of Appeal; ONRTIP awaits the written judgement in this matter.

Priority 4: Policy Development And Human Rights

ONRTIP has been afforded the opportunity to contribute to the development of policy in different areas of national life. One such contribution includes the provision of valuable input to the development of the National Policy on International Migration and Development. This policy has as its

objective, the mainstreaming of the issue of migration into national development goals and thus to be an integral part of Jamaica's Vision 2030². This, of course, is critical as the movement of people creates opportunities that can be exploited to the disenfranchisement of vulnerable persons. In fact, pundits have posited that with increased migration and globalization, there are increased possibilities that traffickers can manipulate to achieve their illegal objective(s).

Another opportunity to contribute was provided under the Child Protection Compact (CPC), which is a partnership between the governments of the United States and Jamaica. WINROCK International partnered with Lawyers without Borders to execute two (2) two-day workshop(s) aimed at reviewing existing standardized procedures for responding to child trafficking, and to commence the development of a national referral mechanism and review the draft screening tool for child trafficking identification to be used by practitioners. Stakeholders from the relevant Ministries, Departments and Agencies (MDAs) were invited to participate in this process. A significant contribution made by the National Rapporteur involves an expansion of the current Anti-Trafficking in Persons Unit with a view to have a team present in all major parishes. It is also essential that more police officers are being trained on the different indicators of trafficking to improve victim identification. The aim of this initiative is to ensure that more front-line responders are available to respond in real-time to potential cases of Trafficking in Persons.

Priority 5: Partnership ISPCAN Caribbean Youth Forum

The International Society for the Prevention of Child Abuse and Neglect (ISPCAN), partnering with Jamaica's Office of the Children's Advocate (OCA) hosted the second Regional

² Vision 2030 Jamaica is a strategic road map to guide the country to achieve its goals of sustainable development and prosperity by 2030.

Caribbean ISPCAN Conference at the Hilton Rose Hall Resort and Spa in Montego Bay, Jamaica during the period December 1 – 5, 2018. Mrs. Diahann Gordon Harrison served as the Co-Chair of this Regional Conference and anchored its organization under the theme Child Protection Realities within a Changing Caribbean & World. Of most relevance to this report, is that there was a pre-conference youth forum that was completely dedicated to the issue of Human Trafficking. The full conference was updated on the deliberations of the youth by two (2) youth representatives who attended the full conference and made presentations during one of the plenary sessions.

ONRTIP played a significant role in organizing and executing this pre-conference event which facilitated Jamaican youth discussing the topic of Human Trafficking and Sex Tourism and also being exposed to material on the topic. Participants were tasked with the responsibility of examining critical issues related to the trafficking of children, with emphasis on sex tourism, its prevalence and societal implications, and how to identify preventative mechanisms which could be adapted to eliminate its occurrence. Action plans were also developed by the youth as next steps to combat human trafficking and sex tourism at the community level.



Feedback from the Youth

Good afternoon. Yesterday was an awesome forum for youths and very informative. God bless you and the team and all the best for the rest of the Caribbean conference! 4:21 PM

2. What aspect of the forum was most interesting or useful?
The information presented by the presenters was very worthwhile and eye-opening.

2. What aspect of the forum was most interesting or useful?
Foundation provided by opening presenters with a knowledgeable ground for discussion and development of a remedial action plan. This part was also very useful in that our input was valued and guided as we make contributions from the perspective of the chi
Instructions: Please indicate your level of agreement with the statements outlined below

2. What aspect of the forum was most interesting or useful?
Every single aspect was interesting

ONRTIP & the British High Commission

In 2017, ONRTIP secured donor funding from the British High Commission to enhance its research mandate and to create innovative tools aimed at bolstering Jamaica's anti-human trafficking capabilities. This very fruitful partnership developed:-

- (i) A Human Trafficking in Persons Survivors' Handbook which details the rights that victims of trafficking are entitled to as well as the services that are available for TIP victims to access as the need requires. The underlying thrust of this handbook underscores the importance of a victim centred approach and the ultimate objective of assisting victims to reintegrate into their families and communities after their trafficking episode has come to an end.
- (ii) A TIP E-Learning Tool which primarily targets front-line officers and key individuals who play a role in Jamaica's counter-trafficking activities. The sole purpose of this initiative is to place helpful and relevant information about TIP within the Jamaican context on a USB dongle so that it can be readily accessible to stakeholders whenever the need arises. The advantage of this as envisaged by ONRTIP, is that the stakeholders who are critical in the fight against trafficking in persons, will have available material at their disposal which is credible and relevant to the local environment. The other useful benefit is that the information will be available for posterity and will therefore serve as a support tool for the on-going capacity building of stakeholders and on-the-job refreshing of personnel that stakeholders should continue to be exposed to. ONRTIP is very proud of this joint collaboration and is pleased to have been the pioneer in this area; the dongles will be ready for distribution by November/December 2019.

Both the E-Learning Module and the Human Trafficking Survivors' Handbook were developed through a rigorous process of consultation with a number of stakeholders. The Human Trafficking Survivors' Handbook was launched on June 26, 2019 at the AC Marriott Hotel in St. Andrew. Some of the guests in attendance at the launch event included:

1. Dr. The Honourable Horace Chang, Minister of National Security
2. Mr. Eric Kant, Chargé d' Affaires of the United States Embassy
3. Mr. Kevin Gilhooly, Political Counsellor of the Canadian High Commission
4. Ms. Tara Moore, Immigration Liaison Manager, British High Commission
5. Mrs. Tanique Brodber-Ventura- Official Development Assistance and Migration Programme Manager
6. Ms. Mariko Kagoshima, Country Representative, UNICEF Jamaica and UN Resident Coordinator (Interim)
7. Mrs. Denise Antonio, Resident Representative of UNDP
8. Mr. Richard Cronie, Immigration Liaison Manager, British High Commission
9. Acting Assistant Commissioner of Police, Anthony McLaughlin, Counter-Terrorism & Organized Crime Investigation Branch
10. Ms. Keisha Livermore, Head of Office of the International Organization on Migration

Highlights from ONRTIP'S Launch of The Human Trafficking Survivors' Handbook



National Security Minister, Hon. Dr. Horace Chang, speaking at the launch of the Human Trafficking Survivors' Handbook at the AC Marriott Kingston Hotel on Wednesday (June 26, 2019)

"We cannot only be guided by what our external partners and assessors tell us, which is a valuable measure of activity in this area. It is my view that a robust effort requires us to bear in mind what the United States may say in its report, but equally important, is that we must pay attention and work closely with the recommendations that have emanated from the Office of the National Rapporteur."

Excerpt from remarks of Minister of National Security, Hon. Dr. Horace Chang, at the Launch of ONRTIP's Human Trafficking Survivor's Handbook in June 2019.



National Security Minister, Hon. Dr. Horace Chang (left), speaking with Chargé d'Affaires, United States Embassy Kingston, Eric Khant, during the launch of the Human Trafficking Survivors' Handbook at the AC Marriot Kingston Hotel on Wednesday (June 26, 2019).



Immigration Liaison Manager, British High Commission, Tara Moore (left), Regional Manager, Home Office for Immigration Enforcement for the Americas Region, British High Commission, Richard Cronie (centre), and National Rapporteur on Trafficking in Persons, Office of the National Rapporteur on Trafficking in Persons (ONRTIP), Diahann Gordon Harrison, peruse the recently developed Human Trafficking Survivors' Handbook.



Members of the Office of the National Rapporteur on Trafficking in Persons and the British High Commission at the Launch of the Trafficking in Persons' Survivors' Handbook

US/Jamaica Child Protection Compact

Throughout 2017, ONRTIP played an instrumental role in on-going discussions between the government of the United States and the Government of Jamaica surrounding Jamaica's suitability to be selected by the US Government as a viable partner for a country-to-country interface on the issue of Child Trafficking. This culminated in November 2017 with the U.S. Department of State's

Office to Monitor and Combat Trafficking in Persons selecting Jamaica for a Child Protection Compact (CPC) Partnership. The CPC Partnership will see Jamaica receiving foreign assistance (through an intermediary) in the sum of US\$5 million a four (4) year period between the Government of Jamaica and the Government of the United States of America to strengthen the capacity of the Jamaican government and civil society to address all forms of child trafficking in Jamaica.

Table 1: ONRTIP's Participation in the Child Protection Compact Project

ONRTIP's Participation in Activities under the Child Protection Compact		
Date	Partner	Details
November 19, 2019	WARNATH Group	Member of Working Group and Steering Committee geared at: 1. Developing agreed prioritized first steps and defining action items for creating child friendly spaces at CISOCA locations/police stations. 2. Facilitating the achievement of agreed action items by leveraging the respective professional expertise and portfolio responsibilities of relevant stakeholders.
October 8, 2019	WARNATH Group	WARNATH Group was facilitated in a scoping visit to view the OCA's Play Therapy Room
September 18, 2019	IOM	Skype meeting with IOM and their international partners from US Berkley concerning a prevalence study on Child Trafficking in Jamaica under the CPC.
September 10-11, 2019 & October 15-16, 2019	WINROCK International	ONRTIP participated in a workshop organized by WINROCK International, in partnership with Lawyers Without Borders. The focus was the development of an NRM for Jamaica.
August 30, 2019	WINROCK International	Consultation with ONRTIP concerning data collection using standardized templates to request information.
July 23, 2019	WINROCK International	Consultation with ONRTIP concerning follow-up meetings
June 7-11, 2019	WARNATH Group	ONRTIP participated in WARNATH Group's three day prosecutorial training at the Knustford Court Hotel.
June 2019	WARNATH Group	Obtained finalized guidance notes following discussions between WARNATH & ONRTIP, developed to capture data concerning Jamaicans trafficked abroad.
May 21, 2019	WINROCK International	Training session held with primary focus being placed on Child Trafficking and Child Labour.
April 11, 2019	CPC Evaluation Committee (ENCOMPASS)	Consultation concerning the CPC Compact. A baseline assessment was conducted regarding the context of Trafficking in Persons in Jamaica, the level of resources, identification, referral, protection services for victims.

April 10, 2019	WARNATH Group and Lawyers Without Borders	Consultation with ONRTIP. Discussions were held concerning the standardization of the identification process and a national referral mechanism.
March 25, 2019	WARNATH Group	Consultation with ONRTIP concerning E-Resource library.
March 25, 2019	WINROCK	Consultation with ONRTIP concerning Child Protection Compact and introductions.
January 17, 2019	WARNATH	Consultation with ONRTIP concerning Child Protection Compact and introductions.
October 10, 2018	Jamaica Child Protection Compact Partnership	A Digital Video Conference, with representatives from the TIP Office in Washington D.C., was hosted by the U.S. Embassy in Kingston to discuss the partnership of the Jamaica Child Protection Compact.

NGO Engagement: Pursued International and the Love March Movement

Young Lives Matter in partnership with Pursued International hosted a week of awareness themed Eyes Wide Open: Exposing Human Trafficking. ONRTIP was invited to participate in the week long events which included:

1. Hear My Story: A Call to Action and Prayer - Sunday, July 21, 2019 at the Christian Life Fellowship, Gordon Town, St. Andrew.
2. Stories of Pain, A Night of Live and Video Testimonial – Wednesday, July 24, 2019 at Covenant City Church, Half-Way-Tree, St. Andrew. Jamaica's Human Trafficking Ambassador and survivor of trafficking, Ms. Shamere McKenzie, shared her testimony of being trafficked.
3. Break the Chains: Corporate Prayer against Human Trafficking – Thursday, July 25, 2019 at Jamaica House of Prayer, St. Andrew from 8:00 pm - 10:00 pm.
4. Street Blitz – Tuesday, July 30, 2019 in Half-Way-Tree on World Day Against Trafficking in Persons.





Pursued International and the Love March Movement Awareness Week

Table 2: Activities of the ONRTIP for the Period 2018-2019

ACTIVITY	DATE	DETAILS
NATFATIP's International Human Trafficking Conference	July 25, 2018	ONRTIP staff attended NATFATIP's first International Human Trafficking Conference at the Melia Braco Village Hotel, Rio Bueno, Trelawny. Statements were delivered by Mrs. Carol Palmer, Chair of NATFATIP, and the Minister of National Security, Dr. The Hon. Horace Chang. The Conference was officially opened by Ms. Shamere McKenzie, a renowned human trafficking survivor and advocate.
REDTRAC Trafficking in Persons Course	June 29, 2018	The Anti-Human Trafficking Officer was a guest speaker at the graduation exercise for the REDTRAC Trafficking in Persons Course. The graduating cohort comprised of twenty-seven (27) law enforcement participants from six (6) countries across the Caribbean.
Special Reports to Parliament	July 17 & 27, 2018	ONRTIP's first report to Parliament on the situation of Human Trafficking in Jamaica was tabled in Parliament on Friday, July 27, 2018. A mini report entitled "The Underbelly of Human Trafficking: The Jamaican Reality 2018" was also tabled on July 17, 2018. There were several news articles published in The Gleaner ³ in relation to both reports.
SDA Convention Extravaganza	August 05, 2018	ONRTIP's staff attended an event hosted by the Seventh Day Adventist Church in Mount Salem St. James. ONRTIP's promotional items were also on display and were distributed to over 100 adults and children who were in attendance.
MOEYI Island wide Parent Sensitization Session	August 16, 2018	The ONRTIP's staff participated in an event hosted by the MOEYI at the Merl Grove High School Karram Speid Auditorium in St. Andrew. The main presentation was done by Senator the Hon. Ruel Reid Minister of Education, Youth and Information, as he then was.
Results-Based Management and Monitoring & Evaluation Capacity Development Workshop on International Migration	September 18, 2018	The ONRTIP's staff attended the Results-Based Management and Monitoring & Evaluation Capacity Development Workshop on International Migration. Exposure was gained to topics such as Project Cycle Management (PCM) and RBM Principles and Tools, Monitoring & Evaluation and Risk Management.
US Embassy/Washington Video Conference	October 10, 2018	The ONRTIP's staff attended a Digital Video Conference, with representatives from the TIP Office in Washington D.C. and TIP Stakeholders in Jamaica, which was hosted by the U.S. Embassy in Kingston to discuss the Jamaica Child Protection Compact.
Lawyers Without Borders: Child Labour Training	October 26 -28, 2018	The Anti-Human Trafficking Officer attended a three (3) day Child Labour Investigations and Prosecution Training hosted by Lawyers Without Borders. Vital information and activities were shared concerning Child Labour in Jamaica.

³ A national daily newspaper

ACTIVITY	DATE	DETAILS
The National Consultation on the Global Compact for Safe, Orderly and Regular Migration	November 6, 2018	ONRTIP participated in the National Consultation on the Global Compact for Safe, Orderly and Regular Migration. Remarks were made by Senator the Hon. Parnell Charles Jr, Minister of State, Ministry of Foreign Affairs & Foreign Trade (MFAFT); Dr. Elsie Laurence-Chounoune, Deputy Representative, United Nations Development Programme (UNDP); Ms. Keisha Livermore, Head of Office, International Organization for Migration (IOM); and Mr. Easton Williams, Senior Director, Planning Institute of Jamaica (PIOJ). Information concerning the role of the different agencies was shared and the Global Compact amended.
ISPCAN Caribbean Youth Forum and Conference	December 1-5, 2018	ONRTIP, in collaboration with the OCA and ISPCAN, was successful in planning and executing the pre-conference event of the ISPCAN Regional Conference which focused on the issue of Human Trafficking in Jamaica & the Caribbean.
The Global Migration Film Festival and Launch of the publication "Migration and the 2030 Agenda: A Guide for Practitioners"	December 18, 2018	In commemoration of International Migrants' Day, ONRTIP's staff were invited to attend the Global Migration Film Festival and Launch of the publication Migration and the 2030 Agenda: A Guide for Practitioners at the Courtleigh Auditorium.
ONRTIP's School Visit to Immaculate Conception High School	January 9, 2019	The National Rapporteur and team visited the Immaculate Conception High School in St. Andrew to raise awareness about Human Trafficking in Jamaica during their Human Trafficking Awareness Week.
NATFATIP's Lecture on Human Trafficking	February 12, 2019	The National Rapporteur attended the distinguished lecture on Human Trafficking, hosted by NATFATIP, under the theme: Human Trafficking - A Global Epidemic: A Closer Look on Human Trafficking and its Effects on Society at the University of the Commonwealth Caribbean (UCC).
Launch of the Child Protection Compact	February 14, 2019	The Office of the National Rapporteur on Trafficking in Persons was engaged by representatives from the Child Protection Compact where formal introductions were exchanged and discussions held concerning the launch of the partnership.
Court Case Observation	March 26, 2019	The ONRTIP's staff observed the case of R. v Cory Hayden. ⁴
Trafficking in Persons Sensitization Session	March 27, 2019	Organized by the President of the St. James Lay Magistrates' Association, Mrs. Claudette Bryan, ONRTIP's staff observed a sensitization session conducted by DSP Berry of the Anti-Trafficking Unit at Royalton Negril in Westmoreland.
Court Case Observation	April 11, 2019	ONRTIP was also able to observe the case of R v Kevin White. The judge directed the prosecutor to highlight the particular type of act, means and purpose of the alleged circumstances, as stipulated by the Trafficking in Persons Act. The victim was also present in the courtroom and was able to voice her concerns about the timeline for trial. In the end, the trial was concluded without the case being actually tried, as the victim decided she no longer wanted to not go through the trial process.
Port Maria Primary School	May 30, 2019	ONRTIP's Research Analyst did a presentation on Human Trafficking to the staff at the Port Maria Primary School in St. Mary. The presentation included information on the following: Definition of Human Trafficking, Global and local happenings, Core elements, Types of trafficking (with special emphasis on the types evident in Jamaica) and about ONRTIP and its mandate.
Launch of the Victim Survivors' Handbook	June 26, 2019	Partnering with the British High Commission, the Office of the National Rapporteur on Trafficking in Persons devised a consultative process to develop and launch the TIP Victim Survivors' Handbook.
Kemps Hill High School Health Fair	July 4, 2019	The Anti-Human Trafficking Officer and the Research Analyst attended a health fair held at Kemps Hill High School in Clarendon and distributed collateral material on Human Trafficking.

⁴ The accused was released due to a lack of evidence based on the Trafficking in Persons Act.

ACTIVITY	DATE	DETAILS
Journey 2 Free Retreat	July 12, 2019	The Anti-Human Trafficking Officer did a presentation for children who were victims of child sexual abuse in the parish of St. Thomas. The group had some knowledge of what human trafficking was- with a few highlighting that it is when someone forces another person to have sex for money. The information was well received and the children were willing to share their thoughts.
Human Trafficking Week	July 21- 30, 2019	The National Rapporteur on Trafficking in Persons, the Anti-Human Trafficking Officer and the Research Analyst participated in the week long activities hosted by the NGO(s) Pursued International and the Love March Movement during the Trafficking in Persons Week 2019.
NATFATIP's Live Broadcast	July 24, 2019	ONRTIP's staff attended a Human Trafficking outside radio broadcast at Mandeville Plaza in Manchester. It was organized by the National Taskforce on Trafficking in Persons (NATFATIP) and was one of the main initiatives executed by the government during Human Trafficking Awareness Week.
Radio Interview	July 24, 2019	The Anti-Human Trafficking Officer did a radio interview on Roots 96.1 FM during Trafficking in Persons Week.
Court Case Observation	July 25, 2019	The ONRTIP was able to observe the case of R v Mary-Ann Downie. The accused is currently on bail and is scheduled to appear for trial on January 15, 2020 in the Supreme Court.
WINROCK International, in partnership with Lawyers Without Borders Workshop	September 10-11, 2019 & October 15-16, 2019	The National Rapporteur and team participated in Jamaica's Child Trafficking SOP Analysis and Drafting Workshop.
NATFATIP's Live Radio Broadcast at the College of Agriculture, Science and Education (CASE) in Portland	October 31, 2019	The Anti-Human Trafficking Officer did an interview in a live outside radio broadcast interview on RJR. Details were shared about the work of the Office, examples of Human Trafficking and the different ways in which it manifests in Jamaica.
Launch of National Parenting Support Commission's Initiative	November 1, 2019	ONRTIP's staff attended the launch of the National Parenting Support Commission's (NPSC) month long activities for Parent Month at the Knutsford Court Hotel.
The Governor General's Youth Consultative Conference 2019	November 6, 2019	The National Rapporteur and team were in attendance at the Governor General's Youth Consultative Conference to end Human Trafficking at the Montego Bay Convention Centre, Rose Hall, St. James.
Investigating the Qahal Yahweh's leadership and allegations of Human Trafficking	November 8, 2019	ONRTIP conducted an independent review of allegations of Human Trafficking on the Qahal Yahweh compound in Norwood, St. James. Information was unearthed concerning the church's new leader, leadership style, practices and the treatment of its followers.
Parent Village for the National Parenting Support Commission in Steer Town, St Ann	November 9, 2019	ONRTIP displayed a booth at the National Parenting Support Commission's parent village in Steer Town, St Ann. KAP surveys were conducted by ONRTIP with the parents in the village.
Regional Workshop for the National Parenting Support Commission in Moneague, St Ann.	November 11, 2019	ONRTIP participated in the National Parenting Support Commission's regional workshop in Moneague, St Ann. Surveys were distributed to the parents that were present and a presentation on Human Trafficking was delivered.
WARNATH's Working Group & Steering Committee on child friendly spaces in CISOCA	November 19, 2019	The Anti-Human Trafficking Officer was nominated by the National Rapporteur to be a member of the working group and the National Rapporteur is a member of the Steering Committee.
Launch of the E-Learning Module	December 2019	The E-Learning Module is now complete and its launch is imminent.

Special Projects and Initiatives for the Period 2018-2019

Students' Perception of Human Trafficking Survey 2017

An island-wide survey was conducted on a sample of 4,457 students at both the primary and secondary levels of education in April 2017. The primary aim of the survey involved capturing the perceptions of students as it concerns the issue of Trafficking in Persons in Jamaica. In investigating the students' perceptions, three (3) main areas were examined including:

1. The assessment of students' perceptions of Human Trafficking
2. The analysis of students' perceptions against the background of the Trafficking in Persons curriculum that is being incorporated within the National Standards Curriculum.
3. The proposal of strategies/ recommendations to boost awareness of Human Trafficking and to prevent child trafficking.

Note: The findings of this study will be published later in this year following an updated assessment.

The Launch of the Human Trafficking Survivors' Handbook

As previously stated in the section entitled Partnership, the collaboration between ONRTIP and the British High Commission bore fruit through the official launch of the Human Trafficking Survivors' Handbook. The advantage of this as envisaged by ONRTIP is two-fold; on one hand the victims will gain a better understanding of the normative and regulatory framework surrounding the issue

of Human Trafficking in Jamaica; while on the other hand the stakeholders who are critical to enhancing the fight against trafficking in persons, will have easy access to credible material on victim centred approaches to combating TIP at their disposal.

The National Rapporteur's Evaluation of the NATFATIP's Information System and Database

The Office of the National Rapporteur on Trafficking in Persons is mandated to provide a comprehensive overview of the situation of Human Trafficking in Jamaica and the country's efforts to address the scourge of Human Trafficking. In executing this mandate, the National Rapporteur evaluated NATFATIP's Trafficking in Persons Information System and Database. Details about ONRTIP's findings have been highlighted in the previous section entitled Protection.

Special Reports

- A** For fiscal year 2016/2017, ONRTIP prepared reports for submission to the Public Accounts and Appropriations Committee of Parliament as well as contributed to Jamaica's Fourth Periodic Report for the International Convention on Civil and Political Rights. Both reports provided details on the activities of the office and the current challenges being faced.
- B** *The Underbelly of Human Trafficking: The Jamaican Reality 2018* was published with the intent of providing a snapshot of Human Trafficking in Jamaica, and to plug the deficit of information within the local context.

- C** The First Report of the Office of the National Rapporteur on Trafficking in Persons was submitted to Parliament in 2018. This report focused heavily on the nature and extent of Human Trafficking both globally and within the Jamaican context. The works of NATFATIP for the fiscal periods 2014/2015, and 2016/2017 were strongly referenced as well as the efforts made by other local partners to tackle Trafficking in Persons.

This second annual report of the National Rapporteur on Trafficking in Persons focuses heavily on the Government's response to the recommendations made in the National Rapporteur's inaugural report and those by the US Department of State in the 2018 TIP Report, as well as an incisive look at the stories of Jamaican victims of Human Trafficking.

The Way Forward

1. There is still an urgent need for an increase in the acknowledgment of engagement between the various stakeholders in the fight against Trafficking in Persons and the National Rapporteur as it concerns requesting and gathering data. The Office currently depends largely on secondary data and information sources from the different Ministries, Departments and Agencies. As such it is necessary to have proper mechanisms in place to allow for compliance, proper access to qualitative information and data, as well as the ability to verify information being presented by the various stakeholders.
2. ONRTIP intends to develop a website to increase its accessibility, enhance coordination, and to maintain collaborative action in keeping with the Office's mission and vision. Steps are currently being consistently made to achieve this objective.
3. ONRTIP still requires both budgetary and human resource support to more effectively undertake the extensive analytic research that it wishes to conduct on issues related to Human Trafficking in Jamaica.



CHAPTER 3: Scope and Nature of Trafficking in Persons

Nature of Trafficking

Trafficking in Persons remains a multi-dimensional issue which negatively affects all countries across the globe. Though slavery was proclaimed to have been abolished in the 18th century, modern approaches have been adopted to exploit men, women and children of all genders, educational levels and immigration statuses for financial and/or other gains. While these practices were evident, a generally accepted definition amongst the global community which provides context to the different facets of Modern Slavery did not come into existence until November 2000. Through the introduction and adoption of the *United Nations Convention against Transnational Organized Crime* and the protocols thereto that were issued by the UN General Assembly, the global community took its first step towards defining and combating Trafficking of Persons on the 15th of November 2000.

As a crime against the person, there is an inherent connection between human rights and Human Trafficking. Human rights are universal and include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, among many other inalienable rights. All victims of trafficking are entitled to these rights, regardless of their *sex, age, race, ethnic origin, nationality, migratory status* or other characteristics. Internationally, it is acknowledged that,

- (i) certain groups, such as women and children, require additional or special protection and;
- (ii) different human rights are at greater risk of being violated at different points in the trafficking cycle or experience of a particular victim.

International Human Rights Law also recognizes that Human Trafficking violates human dignity and enables criminals to

commercially exploit their victims both locally and internationally. Victims are often lured with false promises of better opportunities and are manipulated, deceived or coerced into prostitution, domestic servitude, farm or factory labour, or other types of forced labour.⁵

The situation of Trafficking in Persons is unique in its own right and is commonly characterized as a hidden crime as victims rarely come forward with a complaint. Due to barriers such as language, fear of reprisals against their family, threat of physical personal harm, and fear/mistrust of law enforcement, victims of trafficking tend to remain subjected to the control of their trafficker for long periods of time. Another common factor that impacts the likelihood of victims coming forward to seek assistance is the Stockholm Syndrome. This occurs when victims develop an emotional attachment to their trafficker and have feelings of trust or affection, which often times includes romantic feelings and the victim feels as though they are in a legitimate relationship with the trafficker.

Factors that Contribute to Human Trafficking

Several factors including globalization, the operations of trans-national criminal groups, underdevelopment, poverty, political and social instability can, and frequently, do serve as contributing factors for the occurrence of Human Trafficking.

Globalization: is generally recognized as manifesting a global commonality on certain key issues in the three (3) broad categories of economic, political and social strategies. Economic globalization has been described as the process by which businesses develop international influence or begin to operate on an international scale; political globalization is an increased and deliberately agreed amount of political co-operation that exists

⁵ Homeland Security (2012)

between different countries; while social globalization refers to the sharing of ideas and information between and through different countries. In today's world, the Internet and social media are at the heart of this. Through globalization, the world has been exposed to the rapid transfer of goods, services, ideas and social aspirations across borders. There has also been an accompanied increase in the movement of people across borders (both legal and illegal migration) and with this, an attendant rise in opportunities for the exploitation of vulnerable persons via Human Trafficking. Globalization thus makes it easier

to erase the borders and structures that have long existed between different countries and contributes to continued exploitative opportunities for those intent on exploiting.

The operations of trans-national criminal groups: organized criminal groups have taken advantage of the demand (increased dependence on trafficked and exploited labour, and consumers seeking cheap goods and services, including sexual services) and supply (spurred by the desire to access a better standard of living) of trafficked victims to enhance their business ventures.



Figure 4: Transnational criminal organizations

Underdevelopment, poverty and political/social instability: these factors contribute to the rising tide of migration (both legal and illegal, as well as forced and voluntary). These realities over time have also increased the number of political refugees, the outbreak of internal armed conflicts in certain regions, and the activities of rebel groups, who have turned to illicit activities, such as Human Trafficking to fund campaigns and obtain fighters. The economic disparities between the developed and developing world, along with the feminization of poverty and marginalization of many rural communities,

have produced conditions making people vulnerable to trafficking. (McCormack, 2011)

As the phenomenon of Human Trafficking continues to be observed, what is clear at the global as well as the national level is that both individual and external factors contribute to the occurrence of Human Trafficking. Some examples of frequent individual risk factors include:

- poverty
- unemployment
- illiteracy
- history of physical or sexual abuse

- homelessness
- drug use
- gang membership

These may be considered push factors.

Pull factors, on the other hand, may involve the hope of finding better opportunities such as jobs or wealth. Due to the multi-dimensional nature of the issue, these factors tend to work collectively to further proliferate the scourge of Human Trafficking. Poverty, for example, is recognized as one of the main risk factors that contributes to persons being susceptible to Human Trafficking; however, poverty alone would not necessarily cause or 'push' people into Human Trafficking. The ILO's and UNICEF's commentary on the matter of Child Trafficking illustrates this point well when they described the risk and vulnerability of children to Human Trafficking in the following terms:

"Often children experience several risk factors at the same time and one of them may act

as a trigger that sets the trafficking event in motion. This is sometimes called 'poverty plus,' a situation in which poverty does not by itself lead to a person being trafficked, but where a 'plus' factor such as illness combines with poverty to increase vulnerability."

A similar parallel can be drawn with the many other (risk) factors that abound, not just in Child Trafficking but across the board. Considerations of this nature become essential when strategies are being developed to combat Trafficking in Persons and to assist victims thereof.

Forms of Trafficking in Persons

The nature of Human Trafficking varies from region to region; however, the most visible form of trafficking (especially to the untrained eye) involves the sexual exploitation of women and children. Around the world men, women and children are trafficked in various forms including:



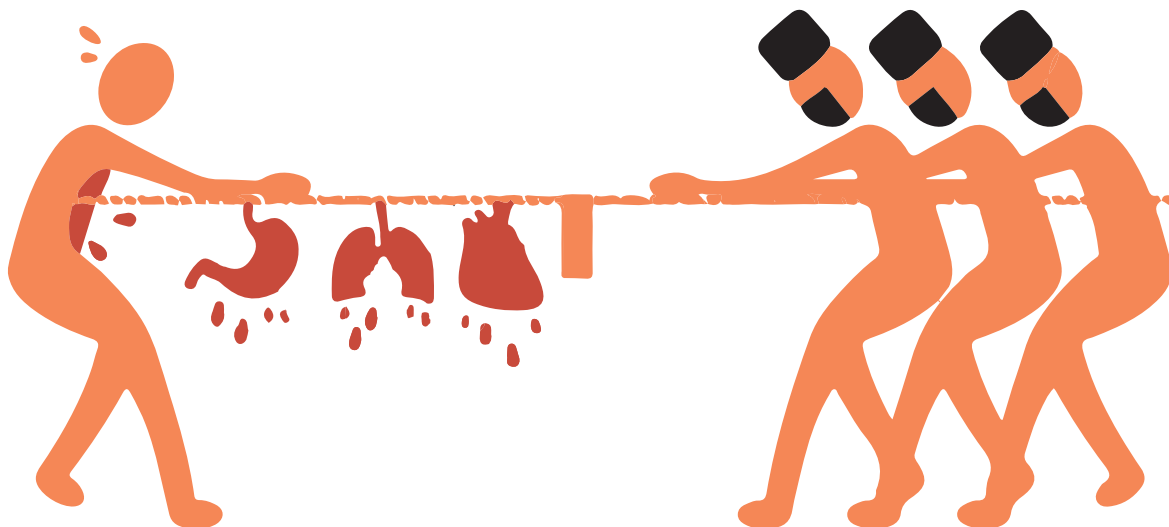
Figure 5: Forms of Trafficking in Persons

Forced Labour

As previously highlighted above, the *ILO's Convention Concerning Forced or Compulsory Labour, 1930 (No. 29)* (more commonly known as The Forced Labour Convention) defines forced labour as all work or service exacted from a person under the menace of any penalty and for which the person has not offered himself voluntarily. Individuals are thus coerced to work through the use of violence or more subtle means such as intimidation. Forced labour may manifest itself in varied forms such as:

- **Commercial Sexual Exploitation:** Recognized as the most prevalent and lucrative form of exploitation, forced labour for commercial sexual exploitation occurs in every single corner of the world. Victims tend to be predominantly women and girls and their traffickers are often people with whom they are familiar such as a neighbour, friend or an acquaintance.
- **Domestic Servitude:** Domestic servitude occurs when individuals are recruited and exploited in the performance of domestic tasks and service. This form of exploitation typically occurs in private households whereby the victim is forced to work usually for long hours with little or no breaks, little food and in many instances for little or no pay. The trafficker obtains the victim's compliance by using physical force, psychological manipulation, fear and/or threats. Compared to the other forms of exploitation, domestic servitude is more difficult to detect since the authorities cannot inspect private residences as freely as a formal work environment or public spaces.

- **Debt Bondage:** The *UN Supplementary Convention on the Abolition of Slavery*, the Slave Trade and the Institutions and Practices Similar to Slavery, defines debt bondage as "the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined." These debts typically can never be repaid and the individual is often forced through the use of deception, threats or coercion to execute varied work tasks without being equitably remunerated and as such can never afford to repay the trafficker the amounts it is claimed that he is "owed".
- **Organ Harvesting:** Though less prevalent, organ harvesting is a phenomenon that is a recognized form of Human Trafficking that occurs in different parts of the world. As the heightened demand for human organs exceeds the availability of legitimate supplies, desperate patients increasingly turn to the Black Market for solutions. These patients are able to pay hefty sums to victim-donors who generally suffer from acute poverty or pay to an intermediary who is the agent/trafficker. Victims are sometimes easily coerced or deceived into giving up their organs in anticipation of receiving sizeable payments which do not always materialize.



- **Forced Criminality:** Often under-reported, forced criminality is a form of exploitation which occurs when adults and children are forced to commit criminal activities. These may include theft, cannabis cultivation, drug trafficking and forced begging for the benefit of another.
- **Child Trafficking:** As previously mentioned, the Palermo Protocol defines Child Trafficking as the recruitment, transportation, transfer, harbouring and/or receipt of a child for the purpose of exploitation. These children can be exploited for criminal activities such as pick-pocketing, forced begging, domestic servitude or drug transportation.
- **State-imposed Labour:** Within this form of Human Trafficking, the perpetrator is the State. The most common manifestation occurs where the State forces individuals to work for the purpose of economic development or under excessively oppressive schemes as punishment.
- **Forced Marriages:** Forced marriages refer to situations where the persons, regardless of their age, have been forced to marry without their individual and/or collective consent. Though men and boys can be

victims, women and girls make up the majority of forced marriage victims.

Nature of TIP Trends

Several trends have also been observed and are being used as a baseline for monitoring and addressing Trafficking in Persons. It should be noted that while some of the trends detected in one region may be deemed 'far-fetched' and 'exceptional', a form of Trafficking in Persons in one region can easily be transferred to another. This is particularly probable when:

- A** the countries have similar socio-economic, cultural and environmental factors; and
- B** due to the shifting nature of the crime.

Some localized trends in Jamaica include:

1. Child Shifting
2. Forced Begging
3. Forced Criminality
4. Child Rental Schemes
5. Forced Marriages

Scope of Human Trafficking Globally

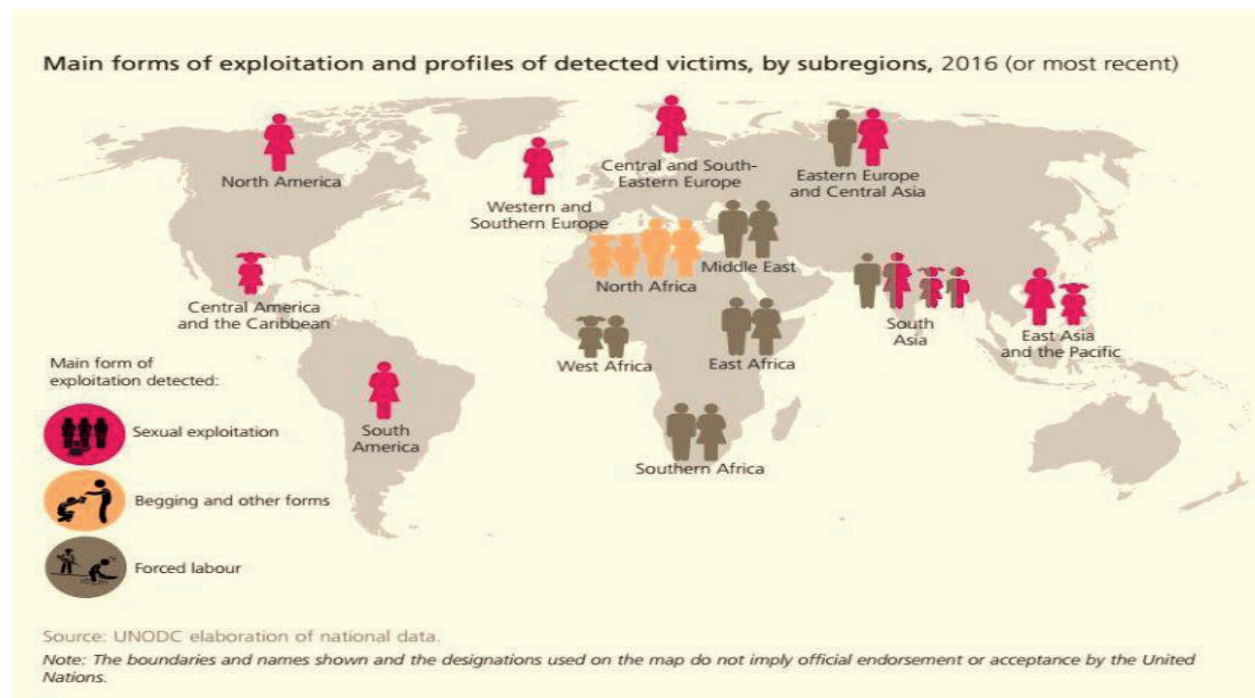


Figure 6: Number of Trafficked Victims

1. Trafficked Victims

The clandestine nature of Human Trafficking makes it virtually impossible to capture the exact numbers of victims that have fallen prey to this crime. According to the 2017 *Global Estimates of Modern Slavery* on any given day in 2016, 40.3 million persons were victims of Modern Slavery, with women and girls accounting for 71 per cent (International Labour Organization and Walk Free Foundation, 2017). Of this total, 24.9 million individuals were in forced labour, whereby the victims have to work under threat, coercion or manipulation in different hazardous conditions; and 15.4 million people were living in forced marriages to which they had not consented (International Labour Organization & Walk Free Foundation,

2017). While transnational trafficking is still prevalent, the ILO also estimated that traffickers exploit 77 per cent of all victims in the victims' countries of residence (United States Department of State, 2019).

According to the ILO's Forced Labour Convention 1930 (No. 29), forced labour is defined as all work or service exacted from a person under the menace of any penalty and for which the person has not offered himself voluntarily (International Labour Organization and Walk Free Foundation, 2017). In such cases, individuals are forced to work in risky conditions across the globe and may be trafficked through means such as forced sexual exploitation, domestic servitude or State imposed labour.

Chart 1: Modern Day Slavery and sex of victims



Source: International Labour Organization and Walk Free Foundation, 2017

Forced marriages, on the other hand, refer to situations where the persons, regardless of their age, have been forced to marry without their consent. Though men and boys can be victims, women and girls make up the majority proportion of forced marriage victims. The

International Labour Organization and Walk Free Foundation (2017) indicated that in the year 2016, over eighty-four per cent (84%) of forced marriage victims were female with thirty-seven per cent (37%) being under the age of 18 years old.

Chart 2: Modern Day Slavery and age of victims



Source: International Labour Organization and Walk Free Foundation, 2017

According to the *Global Report on Trafficking in Persons*, launched by the United Nations Office on Drugs and Crime (2019), the most common form of Trafficking in Persons across the globe is sexual exploitation (79%). Likewise, the *Global Estimates of Modern Slavery* indicated that in 2016, 3.8 million adults were victims of forced sexual exploitation, while one (1) million children were victims of commercial sexual exploitation. The second most common form of Trafficking in Persons is forced labour (18%)⁶.

Victim Identification

The Global Report on TIP has also highlighted the following findings in relation to victim identification:

1. There has been a notable increase in the detection of victims of Human Trafficking. In 2016, more victims of Trafficking in Persons were reported when compared to any other period within the past thirteen (13) years⁷. This increase finds basis in:
 - a. the wider scope of data collected for the last two editions of the Global Report, and;
 - b. an increase in the average number of victims detected per country over the last few years.⁸
2. Women and girls were observed as the main targets for Human Trafficking, representing more than 70 per cent of detected victims. Generally, 83 per cent of the detected women victims were trafficked for sexual exploitation, while 82 per cent of men were trafficked for forced labour. There has been a clear increase in child victims since 2004, and they currently account for 30 per cent of the total number of trafficked victims, with significantly more girls identified than boys. A similar trend exists for girls and

boys. While boys are mainly trafficked for forced labour, many are also trafficked for sexual exploitation, begging and as child soldiers.

3. The number of detected victims who are trafficked within their own countries has been increasing, and this cohort of victims currently accounts for the majority of victims.
4. The wealthiest countries in the world remain destination countries for victims from more distant regions.

Number of Prosecutions vs Convictions

The UNODC reported that there has also been an increase in the number of trafficking convictions that have been obtained. This growth however has not been proportionate, neither to the probable size of the problem nor to the level at which awareness about the problem has grown. In most instances, an aggressive conviction rate only occurs in a few countries; factors such as the size of the population and the extent of the problem of Human Trafficking are typically greater in these countries.

Despite these gains, however, even with an increase in convictions, the ratio of convictions to prosecutions is still relatively low. For example, according to the 2019 US State Department's Trafficking in Persons (TIP) Report, in 2017 while **17,471 prosecutions** were recorded, **only 7,135 convictions** were secured. Likewise in 2018, while **11,096 prosecutions** were recorded, **only 7,481 convictions** were obtained. Equally significant is that of the estimated **16 million forced labour victims worldwide, only 1,038 cases of forced labour were actually prosecuted globally in 2016.**

⁶ United Nations Office on Drugs and Crime (2019)

⁷ Global Report, 2018

⁸ UNODC (2019), Global Report on Trafficking in Persons 2018: Booklet 1 and 2, UN, New York, <https://doi.org/10.18356/d40a955d-en>.

Table 3: Global Law Enforcement Data

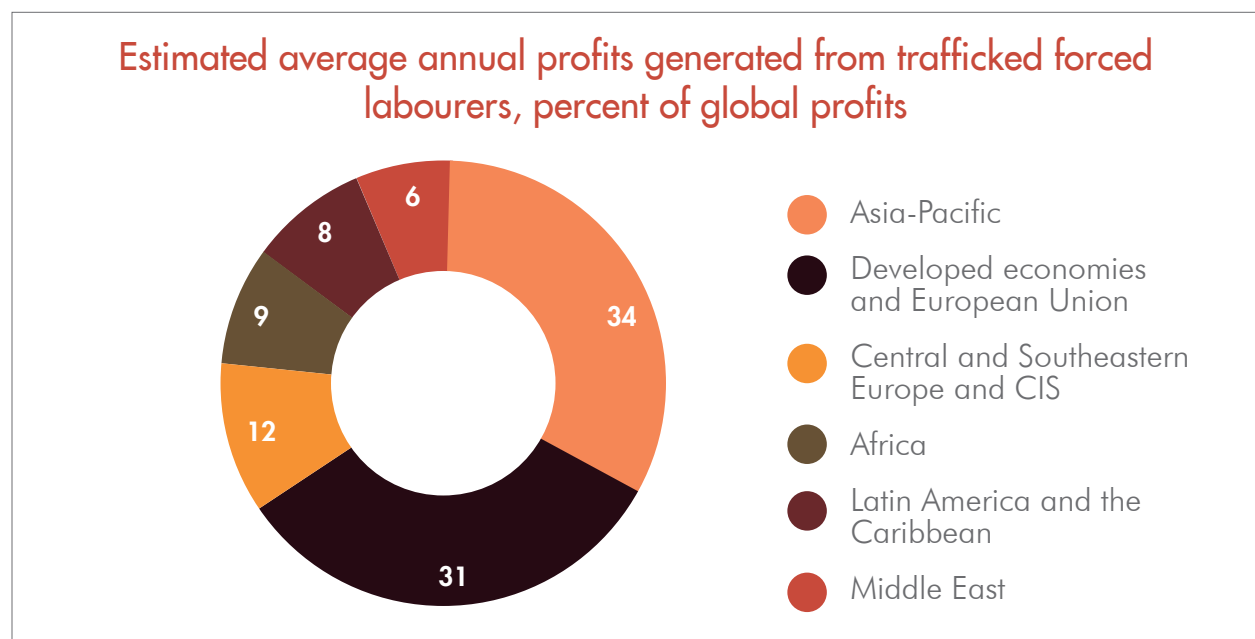
YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	CONVICTIONS
2012	7,705 (1,153)	4,746 (518)	46,570 (17,368)	21
2013	9,460 (1,199)	5,776 (470)	44,758 (10,603)	58
2014	10,051 (418)	4,443 (216)	44,462 (11,438)	20
2015	19,127 (857)	6,615 (456)	77,823 (14,262)	30
2016	14,939 (1,038)	9,072 (717)	68,453 (17,465)	25
2017	17,471 (869)	7,135 (332)	96,960 (23,906)	5
2018	11,096 (457)	7,481 (259)	85,613 (11,009)	5

Source: 2019 Trafficking in Persons Report, US State Department

Human Trafficking is also associated with most armed conflicts, as evident by the recruitment of victims by armed groups and terrorists. It was noted that traffickers can operate with even greater impunity where

situations of violence, brutality and coercion persist. Consequent upon this, the Global Report, 2018 cited impunity as a continuing major challenge.

Chart 3: Human Trafficking Profits



(Source: International Labour Organization, 2015)⁹

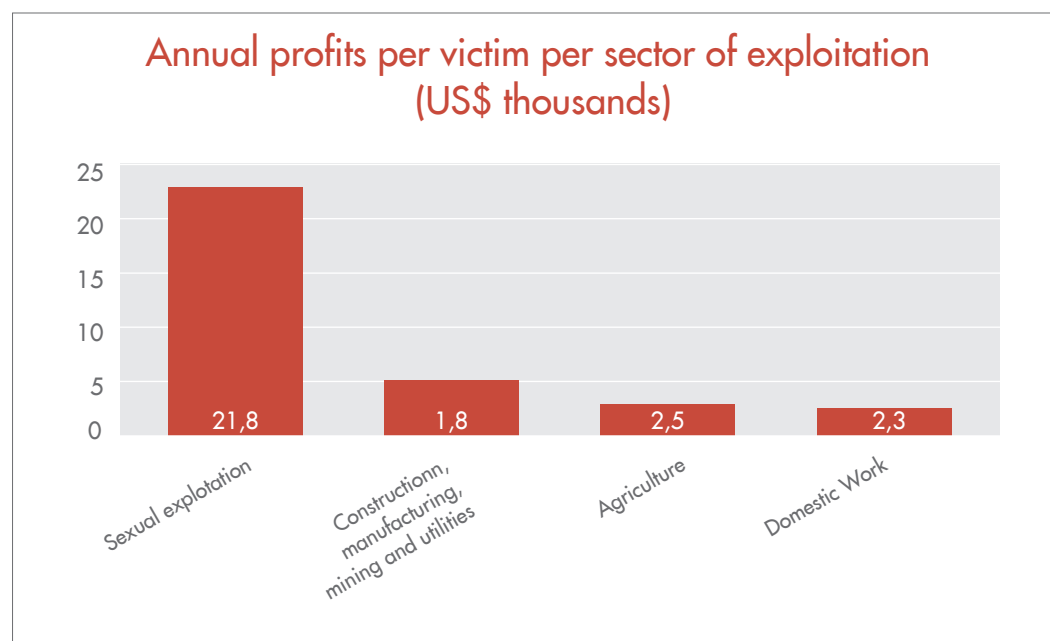
⁹ International Labour Organization. 2015. Profits and Poverty: The Economics of Forced Labor. Geneva

2. Profits of Human Trafficking

The crime of Trafficking in Persons is highly lucrative in nature and is widely recognized as a relatively low-risk business. With an ample supply of victims both internally and internationally, traffickers have strategically positioned themselves to successfully meet various areas of growing demands of the society. Though many countries have implemented anti-human trafficking legislation which provide for the prosecution of offenders, the crime continues to thrive, reaping billions of dollars in illegal profits each year. The International Labour Organization (2014) indicated that forced labour generates annual profits of US \$150 billion which may be disaggregated as follows:

- US\$99 billion from commercial sexual exploitation: per victim by sector was US\$21,800 for trafficking related to sexual exploitation.
- US\$34 billion in construction, manufacturing, mining and utilities: per victim by sector US\$4,800 for trafficking related to labour exploitation (excluding agriculture and domestic work).
- US\$9 billion in agriculture, including forestry and fishing: per victim by sector US\$4,800 for trafficking involving agriculture.
- US\$8 billion dollars is saved annually by private households that employ domestic workers under conditions of forced labour: per victim by sector US\$4,800 for trafficking involving domestic trafficking.

Chart 4: Annual profits per victim per sector



Source: The International Labour Organisation, 2014

3. Purposes of Human Trafficking

While there may be multiple reasons that would cause one person to want to traffick another individual, the ultimate goal of all traffickers is the exploitation of other human beings for profit; this 'profit' includes financial

gains and/or material benefit. Similar to the forms aforementioned, the general purposes include at minimum, the exploitation or, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.



Profile of the Victim

Global Profile of the Victim

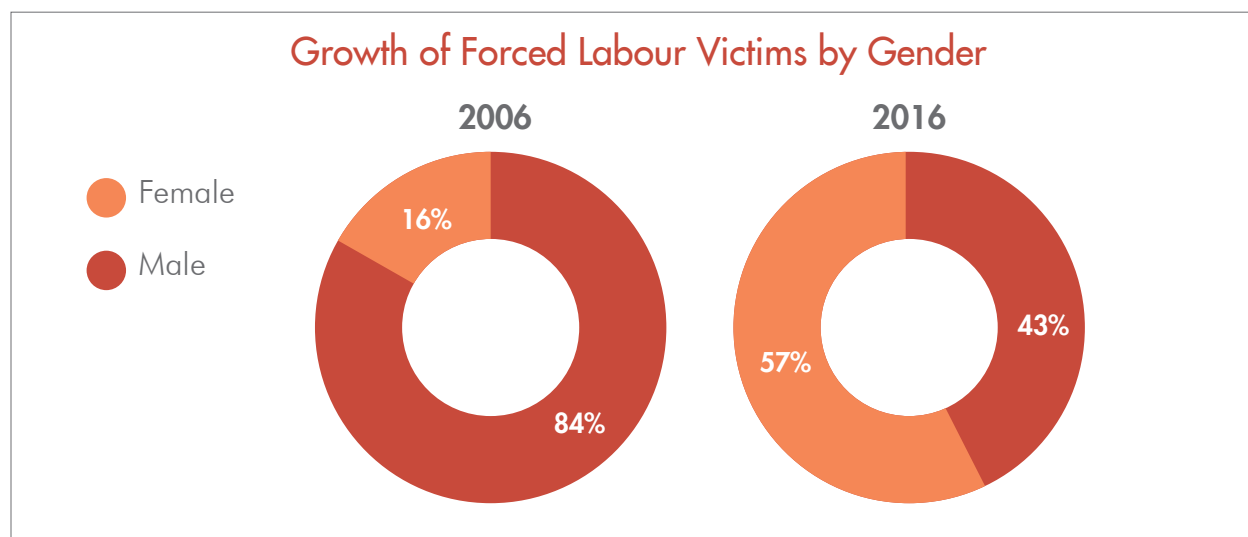
A large proportion of identified victims of Human Trafficking have predominantly been women and girls. In 2016, women and girls were disproportionately affected as 28.7 million or 71 per cent accounted for the total number of victims trafficked¹⁰. Women and girls are often victimized in private spaces such as in the context of domestic servitude, the commercial sex industry and forced marriages.

Over time, men and boys have emerged as a vulnerable and more susceptible group to the crimes of Trafficking in Persons. The International Organization for Migration highlighted that the trafficking of men and boys was gradually becoming a higher percentage when compared to females who were trafficked through forced labour victims¹¹. These male victims are frequently exploited through forced labour such as farm work or factory work, debt bondage and forced criminality.

¹⁰ International Labour Organization & Walk Free Foundation, 2017

¹¹ IOM, 2017 p.3

Chart 5: Growth of Forced Labour Victims by Gender



Source: Growth of Forced Labour Victims by Gender (IOM, 2017)

Common vulnerabilities that affect victims involve drug addiction, instability in their countries' economy, racism and classism, poverty, gender inequality, mental illness, gang involvement and online vulnerabilities.

Children are also recognized as a particularly vulnerable group. The UNODC reported that almost twenty per cent (20%) of all trafficked victims are children, and in some parts of the world such as Africa and the Mekong Region, they account for the majority of victims¹².

Local Profile of the Victim

Like the global community, locally and regionally, women and girls constitute the main victims of Human Trafficking. Particularly, within the Jamaican context, Child Trafficking is recognized as a significant issue for the country. During the reporting period 2018/2019, of the six (6) victims rescued by the government, all were females, with five (5) being under the age of 18 years of age. All victims were trafficked internally, with the exception of one Chinese National who was trafficked into Jamaica from China. All victims were trafficked for the purposes of

sexual exploitation.

Of the ten (10) victims that were rescued, eight (8) were adults and two (2) were children. Five (5) females were identified as victims of sex trafficking, while four (4) males and one (1) female were noted as victims of labour trafficking. The A-TIP-IP Vice Squad in 2019, reported that a forced labour victim employed in a local store, was forced to work and suffered ill-treatment at the hands of the alleged trafficker.

Evidently, the majority of victims of Human Trafficking in 2019 remain Jamaican nationals with a few victims identified from countries such as India, Honduras and China. Females continue to feature strongly as victims within the sex trafficking industry, while males are predominantly victims of labour trafficking. In Jamaica, there has not been any significant change in this trend since the last reporting period. Also in 2019, the A-TIP-IP Vice Squad noted that social media continued to be an area of concern in the recruitment process of trafficking victims.

¹² United Nations Office on Drugs and Crime, 2019

Table 4: Profile of Trafficking Survivors rescued in 2018

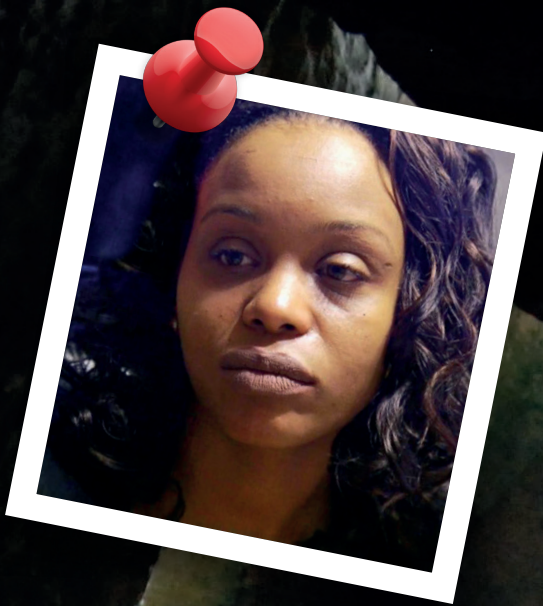
Division	Gender	Nationality	Trafficking Type	Age at Rescue	Route Used	Victim status	Education	Mental Health	Social Class	Financial Status
St. Andrew Central	F	Chinese	Sex Trafficking	29	China to Jamaica	Repatriated Safely	High School	Stable	Middle	Middle Income Family
St. Ann	F	Jamaican	Sex Trafficking	17	In Parish	Safe	High School (6 th form)	Stable	Lower	Low Income Family
St. Andrew Central	F	Jamaican	Sex Trafficking	15	In Parish	Safe	High School	Stable	Lower	Low Income Family
St. Andrew Central	F	Jamaican	Sex Trafficking	17	In Parish	Safe	High School	Unstable	Lower	Low Income Family
Westmoreland	F	Jamaican	Sex Trafficking	15	In Parish	Safe	High School	Stable	Lower	Low Income Family
Westmoreland	F	Jamaican	Sex Trafficking	16	In Parish	Safe	High School	Stable	Lower	Low Income Family

Source: A-TIP (Vice Squad) for the JCF, 2018/2019

Table 5: Profile of Trafficking Cases for 2019/2020 Reporting Period

Cons. #	Case Status	Traffickers Gender	Adult/Child Victim	Traffickers Nationality	Type of Trafficking
1.	Two suspects charged	M	Adult	Indian	Labour Trafficking
2.	Suspect Arrested (pending formal TIP charges)	M	Child	Jamaican	Labour Trafficking
3.	Suspect not yet charged	M	Adult	Honduran	Labour Trafficking
4.	Suspect not yet charged	F	Adult	Indian	Labour Trafficking
5.	Suspect not yet charged	M	Adult	Chinese	Labour Trafficking
6.	Suspect charged	F	Child	Jamaican	Sex Trafficking
7.	Three suspects charged	Two (2) Females	Two (2) Adults	Two (2) Jamaicans	Sex Trafficking
8.	Suspect Arrested (pending formal TIP charges)	F	Adult	Jamaican	Sex Trafficking
9.	Suspect not yet charged	F	Adult	Jamaican	Sex Trafficking

Source: A-TIP (Vice Squad) for the JCF, 2020



ONRTIP'S Special Survivor Feature
From the Shadows

Transitioning from VICTIM TO SURVIVOR

Meet Francine - a brave survivor who has defied the odds and today displays her strength, courage and activism by sharing her story with the hope of advocating for change. She is the face of this survivor feature but her story is not unique nor is she the only victim of this horrifying reality that currently exists in Jamaica. Francine's trafficking survivor story reveals the depth of this scourge. The **only** aspect of her account that has been changed is her name and her photo; of course this was done to protect her identity.



Francine's Story

Hailing from a deep rural area in the parish of St Mary, Francine, now 36 years old, was trafficked at the age of 30 years old. At the time she was the mother of three

children, unemployed and in an abusive relationship. Francine held the view that the only way to solve her problems would be through the acquisition of a job and securing a stable income for the future of her children and herself. However, with limited educational achievements, having entered the world of work with only attaining Common Entrance after her primary education which ended at Grade Six and the Grade Nine Achievement Test (GNAT), the options for job prospects that would pay well were very low. This was what Francine needed most – money.

THE ACTION

The global phenomenon of trafficking for sexual exploitation is a crime that predominantly affects women and girls. This is also the Jamaican reality. In desperate need to leave her abusive relationship and secure a stable job, Francine responded to an advertisement she saw in one of Jamaica's daily newspapers (The Gleaner Classifieds); the employer was seeking young ladies to work as masseuses. She contacted the advertiser via telephone; her call was answered by a female who assured her that there was no need to have any previous experience as training would be provided. The recruiter also guaranteed that Francine would have gotten the job because they were currently in need of persons to fill the positions. Francine borrowed the bus fare to travel from St Mary into Kingston, and was instructed to meet a man who would collect her in Half-Way-Tree. She provided details about the clothes she was wearing and was told the type of car the man would be driving, his licence plate number and the clothes he was wearing. Francine met this man who picked her up at a popular Jamaican fast

food restaurant in Half-Way-Tree. They then travelled to pick up another young lady who Francine later learned was coming from St Thomas.

The Location

Both Francine and her female companion, who were soon-to-be victims, were driven to a location on Haining Road in New Kingston. The location looked more like a house rather than an office but as it was relatively near to other business places such as DHL Courier Services and a radio station, the site did not initially appear suspicious. Upon entering the house, Francine observed that a section within one of the rooms was partitioned off and it served as an office space with a secretary placed at the front. Through further viewings, Francine noted that another section was provided to clients who visited the location to view the ladies through a two-way mirror before settling the service they wanted and making a payment. Francine also noticed that other ladies were present at the location; however, some appeared to be seasoned having been there for a while, while only four or five of them (including her) appeared to be new. The location also boasted a room which had walls full of clothes/costumes, underwear (bras and panties), as well as shoes from which Francine and other girls (victims) were able to make their selection. The trafficker wanted her and the other girls to look a certain way. All the shoes were high heels as flat shoes and slippers were not allowed.



RED FLAG



Francine was recruited by her trafficker through an advertisement in a national newspaper. In Jamaica, the print media contain various advertisements for personal services such as masseuses, dancers, promoters and other similar roles.



Job seekers must do thorough background checks prior to any job interview or offer of employment!



Such checks can be made with the Employment Agencies Unit within the Ministry of Labour and Social Security (MLSS) at (876) 922-9500-14.

Find out whether your prospective employer is licensed to operate as a business.



Francine: I had natural hair and the trafficker told me I had to cut it off or cream it (i.e. process). I am not doing that.

Trafficker: Braid yuh hair and me will tek the money from yuh pay.

In Francine's words – "The breaking-in process was very hard, particularly because no one wanted to be in a situation where they were held against their will and forced to do activities that they did not want to do."





THE MEANS

The man provided further instructions to Francine and the other newcomers to leave their handbags in a room because they would not need them for the interview. They obeyed and having left their handbags, the trafficker and his team were able to obtain and withhold the **identification documents** of their victims, inclusive of TRN, NIS and birth certificate. The ladies were then taken to a back room and instructed to remove their clothes. Francine describes the moment as being quite surreal as the man lifted his shirt to reveal the gun he had in his waist. This was the same man who transported her from the fast food restaurant to the location. Both Francine and another young lady refused to take off their clothes and demanded to go home but they were **threatened** by the man with the gun. Francine recounts:

"The girl from St. Thomas and I were taken to a room, where we were instructed to take off our clothes to which I said this is not what I saw on TV, the job I came for is to work as a masseuse, this is not what I came here for." I am from the country so I didn't know they had places such as these where women are treated in this way, I only expected this from a go-go house. A man was seated on the bed and he was instructing me and the other young lady where to touch on the male client in a sexual way. He pulled

NOTE: It is not uncommon for traffickers to utilize spaces that they can rent for a day or short term to lure and harbour victims of Human Trafficking.



away his shirt so that his gun was visible to me at which point he said to me "well, dis a wehy we a do." I stepped towards the door and told him I wanted to go home now and I stepped towards the door and he pushed me back and said "No, you can't leave." Another young lady in the room started to cry, and the man with the gun became ignorant¹³, he took out his gun and told us that they would find our bodies on TV and that he has our ID and knows where we live.

At one point he accused me of lying to him that I had several children, because I had no stretch marks on my body. It was then he used his

¹³ The word 'ignorant' as used in this context means angry within the Jamaican culture.

gun to lift up my breast, and I realised that I now had to do everything he told me.”

The Trafficker and His Team

The “manager”, who was in fact the trafficker based upon Francine’s account, was called Mr. Clarke.¹⁴ He often visited the site three or four nights per week but he would not visit in the day; however, if the business had high profile clients during important events such as the World Cup, the manager would show up during the day and would book rooms at prominent hotels in Kingston for his high profile clients who were traveling to Jamaica. In Francine’s mind she believed that Mr. Clarke had a regular job because he was always dressed in well ironed white shirts. The manager was supported by a team of individuals who operated within the trafficking ring as supervisors, security guards, drivers and medical personnel. A supervisor was the term they used to address seasoned females who had been in the business for a long period of time and had earned a senior role within the organization’s structure. Francine told us that at any given time, the location had about fifteen (15) girls (victims), with at least four (4) female supervisors in place to train them and to observe and guide their actions. Francine told us that while she was there, at the end of every month, two or three new girls were recruited via newspaper ads and the process of training and guiding would continue. The site also had security guards who worked on a shift system. Three (3) guards would work in the day, while another three (3) functioned at night. The team had drivers enlisted to transport the ladies to different locations around Kingston with the intention of having them meet clients at specific hotels, clubs and bars.

“I don’t know if they [drivers] were taxi men but I know they would be on the premises so if they [the traffickers] needed someone to take the girls, one of them would be there instead of calling someone. I don’t know if they worked differently outside. It would [always] be the same men though.”

“If a girl misbehaved or was rude to a client she would be beaten up by the security guards. Because they had big rings, you would get a black eye, bruises or a burst mouth from being fisted. The trafficker also did not like when the girls had their regular periods so he had his own medical professional who would come in and give the girls the injections to stop their periods.

If a girl was injured on purpose for misbehaving and was being used as example for the rest of us, the trafficker had his own medical professional who he would call upon. The dimensions of their network were very extensive and tight knit as the females were harboured at the same location they worked and were not allowed to leave on their own. The trafficker also had girls in other locations such as in Montego Bay, Ocho Rios and even overseas.

I never trusted anybody. Because if the police were there with us, you wouldn’t want to go to the police station to report it, and then find out that you are reporting it to one of his [Mr. Clarke’s] guys. Furthermore, because of the intimidation tactics that they [traffickers] used, you just never trust anybody. I recall one incident in which I was with a client and I had to press a button for help, and it was the police who came in the room, and I was so happy because I was thinking finally I was being rescued and I could go home to my family. However, to my surprise, the police said to me “Just do what de people dem say, a nuh dat yuh deh here fah?”

¹⁴ This is a pseudonym; we opted to use this as this man has not been convicted as a trafficker and as such it would not be appropriate to disclose his identity at this stage.

New Identity



Francine realized that the girls recruited were mostly taken from rural areas within Jamaica. Once taken to the location and instructed to remove their clothes, a supervisor would enter the room and force them to learn very quickly how to provide the different services the entity offered, including how to touch and please their clients. The names of the girls were changed and a new persona was to be assumed. Their clothes would be different as they were now to be adorned in costume with high heels which served two purposes – *the traffickers thought this way of dressing made the girls more attractive to clients, but more importantly, limited their ability to run or escape.* Even though they did not ask to be dressed like this, all the money spent to buy their costumes and to do their hair and nails was withdrawn from their pay. This was deemed the “breaking in” period and no girl was allowed to go outside, or make any calls which were not scripted or monitored. Guns were always present and used as reminders of what harm would befall the girls who dared to break the rules.

Disobedience

All girls were expected to stay on the compound, make no unmonitored calls and adhere to the needs and requests of the clients. If disobedient, girls would be punished and used as examples to the others at the location.

“At any given time, there were about fifteen girls who permanently lived on the compound. I recall once I told the trafficker that I had to call a family member. The trafficker wrote on a piece of paper what I was to say during the telephone call with my family and someone sat beside me with a gun to ensure I was following the instructions on the paper. I could not believe this was happening to me, because I have only seen this happen in the movies, but it was real and it happened to me.

On one occasion, one of the girls called a taxi in an attempt to escape. However, before she was able to signal to the taxi where to stop, *one of the guards grabbed a hand full of her braids and ripped it out along with her scalp. In another instance, a girl escaped but her body was later found and broadcast over the news. The trafficker and his team ensured that all the girls watched the news that night.* It was scary for me, but I think it did not affect the older girls because they may have seen or heard about something like that before. To me, it seemed it was the norm to them.”

These occurrences were used to intimidate all girls and have them submit to the trafficker’s

control. If obedient and settled, the girls would be rewarded with items such as boxes of Kentucky Fried Chicken, shoes, clothes and the reassurance that everything would be fine. Once the girls did what the trafficker said, all would be well.

Note: Traffickers oftentimes use various methods and tactics such as threats against the girls and/or their families, physical violence and abuse, to exercise control over their victims. These tactics are to ensure that the victims never escape or report the matter to the police.

THE PURPOSE



Francine was trafficked within Jamaica for approximately eight (8) months during the year 2013 for the primary purpose of sexual exploitation. Though not remembering the exact month, Francine shared that she would have been taken either late January or early February 2013 and came out before Christmas in 2013. Under the pretence of providing massage services, Francine and the other young women were forced to perform sexual acts for both male and female clients. The trafficker also detailed the amount of money each girl was required to bring in each day; this was particularly done when it was the end of the month.

“The trafficker would pay us weekly. So each day he would give us an amount to make and the pay scale would be different for some girls. Girls who were of the upper ranks would make more money than us. He had girls that were allowed to go out because he would trust them to come back so they got

a certain amount of money. The girls that were just coming in and would remain at the centre would not get a set pay. The amount of money made would be based on the amount of clients who came into the centre. After 3 - 4 months, girls would be observed then given the chance to get a higher rank.”

When taken to locations off site such as clubs, females were forced to seek out clients who they would have sex with in order to fill the required quota.

Table 6 : Elements of TIP vs. Francine’s Experience

Elements of Human Trafficking	Francine’s Experience
Action	Yes (recruitment, receipt, harbouring)
Means	Yes (fear, force, coercion, deception)
Purpose	Yes (sexual exploitation)

The Menu and Payment

When Francine enquired about how they would be paid they were introduced to the “menu.” The menu was the term used to describe the list of services from which clients were able to choose. For instance, if a client selected the menu item ‘wet set’ (consisting of a massage in the shower with the client followed by sexual intercourse) at a cost of ten thousand dollars (\$10,000), the trafficker would take 50% of the amount (\$5,000) for himself and on top of that, would withdraw the costs incurred for the purchase of costumes, hair and nails, and pay the girl the balance, if any was left. Payment was made every other week; however, restrictions were set in place to limit the girls’ movement. After having worked for a month, the Supervisor/Manager would allow the girls to go to Western Union to send money to their families; these visits were of course supervised.

The Menu

Sensuous Massage - Full body massage to include the genital area until client ejaculates

Thigh Massage - Full body massage, but instead of using your hand on the genitalia, the man would ejaculate between your legs

Heavenly Shower/ Wet Set - Massage in shower and finish on the bed

Therapeutic Massage - Regular deep tissue massage (Clients rarely requested this one)

French - Dance for client and provide lap dance

Can't remember name - Body to body massage

Can't remember name - Pour whip cream on the client's body and lick it off with tongue

Can't remember name - Two girls giving the same massage



Francine outlined that, "There were so many other offers on the menu but I can't remember right now because I blocked it [from my mind]. But whatever was on it would always lead up to sex because that was the intention. The receptionist would hand the client the menu to select the service they wanted. The menu was a laminated document with images of naked body parts and the writings with the list of services offered would be displayed on both sides of the sheet."

High Profile Clients

High profile clients were recognized as such because some were just some “big men” who were naturally VIP clients and some were regulars and had become known. Francine recalled that the,

“VIP members would pay a certain amount of money for the month. We were not privy to the amount of money they paid but we would receive a certain amount from it. When they came they would just ask for what they want; whether it was one girl, two girls, three girls, whatever amount they wanted. They would also choose from the menu if they wanted a fruit basket or a wet-set and it could vary from one girl to about four. It could be as explicit as they wanted it to be having the male alone performing or a girl on girl action.

They also had different lights that meant different things. If a red light came on with a bell it meant that a new client was coming in. A green light meant that the client had money or was high profile. At the green light, only certain girls would go to meet those clients and they were usually mature, well-spoken and were not shy. There was also a protective buzzer by the bedside that you would press if you were in danger but I don’t know what light or signal it gave off to the receptionist. You could also see the clients before they saw you using the two-way mirror.”

When high profile clients requested the services of the girls, drivers would take them from the site to the designated location. Under supervision, these girls would be brought to popular and prominent hotels and clubs in New Kingston. The services provided by the ladies reaped big money which would serve to benefit not only the trafficker but also the girls as they received a portion of the monies earned. Francine outlined,

“They would give you your money. The percentage split depends on how long you

were there. If you were just coming in and it was about one to three months, they would give you 50/50. If they trained you it would go up to 60/40 but you would never get all the money.”

Trafficking in Persons is BIG BUSINESS!!.

“What persons don’t realise about human trafficking is that, a whole heap of money in there. It takes money to run this type of operation. I believe my trafficker had to pay the police and soldiers working with him. He [the trafficker] had high-end clients, people working in media, lawyers, doctors. You wouldn’t believe the type of people involved in this thing. It’s not no normal somebody running it, it’s money and brains behind it.”

THE ESCAPE

Francine considers herself fortunate. Her trafficker told her that she had the option to leave or to come with the team as they planned to relocate from their New Kingston base.

Francine shared:

“I thought that some information was leaked based on the urgency of him [the trafficker] telling us we had to leave. I figured that the authorities were onto him or something had gone wrong. He came and just said that we had to leave by tomorrow and you have two options. You can come to the new location or you can go. He did not give us any explanation. The only thing is that those who were going would have to wait until those who had chosen to go had left. The drivers were there to ensure that none of us left before it was time.

I don’t think the trafficker was afraid of us telling anybody based on how he came and

went. None of us had phones so it's not like we could have secretly taken a picture or anything."

While the seasoned girls and those who were interested in the money took up his offer, Francine says she decided to return to St Mary to her children. Though the money was an attraction for some girls, Francine shared:

"I was still in the abusive relationship with my child's father. I think I was more fearful of him finding out more than I was fearful of staying in the center. I felt that he would have killed me. After having him threatening me saying that he could not hear from me when he wanted me and that I had another man in Kingston, when I went back to St. Mary he would have hit me. My kids were also still with him. One of my sons was not for him and he was saying better me come take mi pickney (child). So I did not want him to do my son anything."

The location on Haining Road was vacated and the trafficker and his team moved to an unknown location. However, with the threat of the trafficker knowing where she lived and possessing information about her children and their father, she did not dare share her experience with anyone at the time, despite her personal desire to tell others about her story.

History Life before Being Trafficked

Francine shared with us that as the eldest of seven (7) girls, she grew up in a two bedroom house, (made of zinc roof and board floors and wall) sharing the same facilities with thirteen other persons. Food was scarce and the abuse received was both psychological and physical. She says that as a child she did not feel loved by her mother. Enduring

sexual abuse as early as age eight (8) years, Francine was forced to perform sexual acts on her mother and family friends who were both male and female. It was known among the family that some of the girls were being sexually abused; however, because the family needed the money, a blind eye was turned to the incidences.

"The abuse was the sad part and what made it sadder was that I think my grandmother knew [about it]. She loves her grandchildren and when the men who were abusing us offer her money or food for us, in exchange to feel one of us up she would just go along with it because she did not want us to go to our beds hungry."

Important Note: Francine's reality is in sync with that of many victims across the world in that time and time again victims with a history of sexual abuse, are increasingly featuring as being more vulnerable to human trafficking.

Life after Being Trafficked

In an effort to cope with the experience of being exploited, having limited money, education and work experience, Francine felt as if she had no choice but to get into prostitution on **Back Road** in Portmore, St. Catherine. She needed money to meet her needs and those of her three children.

"After a while my money ran out. I had three pickney, and one of the girls who used to be on the compound with me introduced me to Back Road. I ended up on Back Road doing prostitution, because my kids got used to living a certain way, for example, every Friday night I would buy them KFC and so

they got used to living like this. Back Road was so different, because it's not like you had the safety of the home [setting] where the men would come and they would get screened, and dem [the traffickers] know them and so on. Round deh so [i.e. Back Road], nobody nah give yuh \$10,000, God bless if yuh get \$3000, and you were left at the mercy of the world. As a new prostitute on Back Road, the older ones [i.e. prostitutes] round there will kill yuh, cause dem a say "oh you come fe tek weh my client." And so yuh had gun men round dere who know say people wanted protection, so dem come and prey pon you too. Sometimes they will even send dem friend to come rob you, and then when you get rob they will say "you see me tell yuh fe mek me protect you." And so you will start to pay someone to protect you, and it becomes a [vicious] cycle. It was really bad. I remember saying to myself, "God I am giving you two days to tek me out of dis, because I actually was going to kill myself."

Important Note: Victims of human trafficking often-times suffer from thoughts of suicide, depression, anxiety, Stockholm Syndrome and a host of other psychological and trauma-related disorders.

A Light at the End of the Tunnel

In addition to these external realities, were the internal demons that Francine said she faced. She had many suicidal thoughts and several desperate moments. In one period of heightened desperation, she met a man who appeared to be her knight in shining armour; however, she quickly learned that he had an issue as he got turned on by having her chained up, and watching her have sex with other men. Francine became engaged

to be married to this man and began to attend church. She also got a job and was later promoted to the rank of a supervisor. After being employed for some time, she then decided that this was not the way to live and escaped her situation by ending the relationship with her abusive fiancée.

"I went back to St. Mary after my trafficker left. I ended up going back into the abusive relationship and it got so bad that I had to run away from St. Mary back to Kingston. When I came back to Kingston, I still did not have a job so I went into prostitution. I met someone else and ended up back in another abusive relationship. I figured that I needed to leave this relationship because the person did not like nor love children. He also did not want my children living with me or him. I ended up moving out because I wanted my kids with me and applied for a job as a security officer. When I got through with that job I met my husband at the location I was placed."

Francine, now married and professing her Christian faith, noted that she always wanted to serve the Lord. She shares that,

"It was the grace of God that lifted me out of my dark situation."

Backlash from Others

After sometime, Francine developed the courage to begin sharing her story but faced a lot of backlash from her family, friends and community members. The only person that supported her was her husband, whom she met while working with a security company.

Francine outlined that she shared her story for several reasons.

"I started sharing my story in 2015 because I realized that some of my other cousins were also molested and nobody wanted to

talk about it. The biggest trigger was when my sister, who was also given away by my mother when she was young, shared with me that the person my mother gave her to had also molested her. I then decided to share my story. I had also gotten the chance to go on television to talk about the small cleaning business I had started and they wanted to know how I started cleaning for persons. Bits and pieces of the information [about the trafficking ordeal] came out, persons got interested and wanted to know more.

When I first shared my story with my husband he was moved by the entire thing knowing that someone had to go through all of that. He did not look down on me or condemn me in any way. From the get go, even before I got married, he said he would support me 100%. He always reminded me that I did not need to fear that he would back away from anything that came up. He would always be there to support me because he thought other persons needed to hear."

Failure to Report

Like many other survivors' of Human Trafficking, Francine did not want to report her experience when she finally escaped. Coupled with the fear that was instilled by her trafficker and his team through various intimidation tactics, and a lack of trust of the police, Francine decided it was best to keep her experience a secret and not report or share it with anyone, including the police. She did this for two and a half (2 ½) years, until 2015 when she began to share her ordeal with family, friends and community members. Francine has indicated that although she is willing to cooperate with the police, she is not interested in rehashing the past. Since her trafficking experience she has moved on with her life. This is just the harsh reality sometimes with this type of crime; the psychological baggage that sometimes

comes with it, has the victim wanting to move on. This, of course, means that no full scale criminal prosecution can be fruitfully pursued against the alleged trafficker.

Francine's Needs that Arose Immediately after her Trafficking Episode

- a. Counseling
- b. Guidance to prevent her from going back into prostitution in order to sustain self
- c. Job
- d. Housing
- e. Support for children
- f. Education and Skills Training

Francine's Recommendations

To the vulnerable/victim:

- a. It is difficult to communicate with a victim that is currently in the system as most appear to be suicidal. As such, it would be more effective to reach out to them when they are out.
- b. Abusive relationship with kids often lead to further abuse

For improvements in delivering services to trafficking victims, Francine recommends the following:

- a. Counseling needs to be provided. An assessment of each person should be done as no one size solution fits all persons.
- b. Many persons do not believe that there is help once they come out of the situation. As such, it is important that tangible evidence should be provided to reassure these victims that there is a way out.
- c. Education and skills training would be ideal

Table 7: SUMMARY OF FRANCINE'S EXPERIENCE

	*Francine
Age Trafficked	30 YEARS
Action(s)	<ul style="list-style-type: none"> Recruited through a newspaper advertisement. Transported from one location to another to meet clients in Kingston. Harboured within a home/ business space within New Kingston on Haining Road.
Means	<ul style="list-style-type: none"> Threatened through the use of force or other forms of coercion (Harming family and threat to life with guns) Manipulated through the use of deception, the abuse of power or of a position vulnerability Withheld Identification Manipulated through the use of money Abuse of power and position of vulnerability
Purpose	<ul style="list-style-type: none"> Exploitation which includes forced prostitution and other forms of exploitative practices
Consent	<ul style="list-style-type: none"> Francine was deceived and threatened to conform to the norms of the organized criminal enterprise
Transnationality	<ul style="list-style-type: none"> Survivor was trafficked internally within the Corporate Area, (Kingston & St. Andrew)
Occurrence of Trafficking	<ul style="list-style-type: none"> Repeatedly over an 8 month period
Trafficker	<ul style="list-style-type: none"> Jamaican male (Trafficker used other seasoned victims/females [Bottom Bitches] to act as supervisors).
Victims	<ul style="list-style-type: none"> Females from the rural areas of Jamaica
Other Trafficking Locations Identified	<ul style="list-style-type: none"> Kingston, Montego Bay, Ocho Rios and Overseas
Trafficked from	Rural St Mary
History	Sexually abused as a child by family members and family friends

*Note: The name of the survivor has been changed to protect her identity.

The ONRTIP wishes to express gratitude to this courageous, outspoken and strong-willed survivor who generously shared her time and experiences with us. By so doing, this

helped us to understand the inner-workings of Trafficking in Persons in Jamaica from a victim's perspective.

Global Profile of the Trafficker

A trafficker of human beings is a person who stands to benefit from the illegal trade and exploitation of other individuals. Due to the clandestine nature of the crime, it is quite difficult to assess the true magnitude of this widespread social phenomenon and account for its associated offenders. Globally, a disproportionate number of women are involved in trafficking, not only as victims, but also as traffickers. Though predominantly male driven, the presence of female traffickers has been trending upwards in recent time. In fact, the United Nations Office on Drugs and Crime (2019) reported that of the 30% of countries that provided information concerning the gender of the traffickers in their country, it was found that women accounted for the largest proportion of traffickers. Furthermore in some parts of the

world, women trafficking women is deemed to be the norm¹⁵. A good example is seen in the trafficking of women out of Nigeria, Africa into Italy as this is mainly controlled by women as the traffickers, with the men playing a secondary role¹⁶.

In other parts of the world as well, female traffickers oftentimes help their male counterparts in committing the crime of Human Trafficking. An interesting feature which sometimes accompanies this supporting role of the female is that some female traffickers are themselves former victims of Human Trafficking and assume their “new” role out of mere dependence on, or loyalty to their trafficker; because of fear or threat of violence; because they are “in love” or share a romantic relationship with their male traffickers; or as a result of having been “promoted” within the organized trafficking structure.



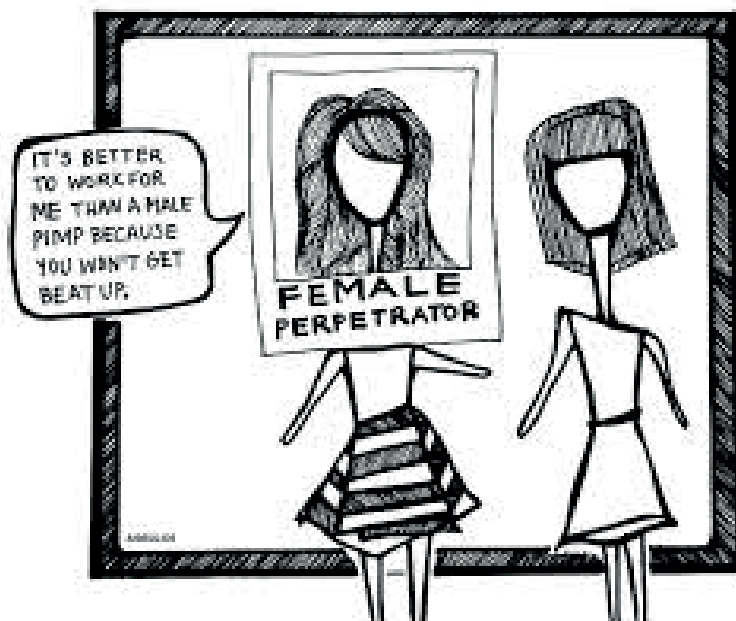
¹⁵ United Nations Office on Drugs and Crime, 2019

¹⁶ UNICRI, 2004 p.222)

Local Profile of the Trafficker

In Jamaica, men are predominantly recognized as the main perpetrators of Human Trafficking; however, recent times have revealed that females are gradually assuming a more dominant role in the trafficking of victims. In the reporting period 2018/2019, two (2) Human Trafficking

convictions were secured in Jamaica; one featured a male trafficker and the other a female trafficker. Female traffickers have also been identified and charged in other Caribbean jurisdictions such as Antigua and The Bahamas. Human Trafficking cases that are currently awaiting trial involve nine (9) males and one (1) female accused of having committed the offence.



Additionally, the A-TIP-IP (Vice Squad) of JCF in Jamaica reported that for the period April 2018 to March 2019, convictions were also secured in cases **akin** to Human Trafficking, such as a person living off the earnings of

prostitution. To further emphasize the fact that females feature as traffickers, the data shows that three (3) of the four (4) convictions secured involved female perpetrators.

Table 8: Status of Human Trafficking cases and cases akin to Human Trafficking

Division	Gender	Nationality	Age at Arrest	Trafficking Type/Offence	Route Used	Status
St. Andrew 'C'	Male	Chinese	31	Akin to Human Trafficking: Living on the Earnings of Prostitution	China – Jamaica	Closed: Convicted
St. Andrew 'C'	Female	Jamaican	29	Akin to human Trafficking: Soliciting for Immoral Purposes	In Parish	Closed: Convicted
St. Andrew 'C'	Female	Jamaican	38	Akin to Human Trafficking: Living on the Earnings of Prostitution	In Parish	Closed: Convicted
St. Andrew 'C'	Female	Jamaican	24	Akin to Human Trafficking: Importuning for Immoral Purposes	In Parish	Closed: Convicted
St. Ann	Male	Jamaican	19	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
St. Ann	Male	Jamaican	35	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
St. Andrew 'C'	Male	Jamaican	31	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
Kingston 'C'	Male	Jamaican	40	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
Westmoreland	Female	Jamaican	29	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
Westmoreland	Male	Jamaican	32	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
Clarendon	Male	Jamaican	70	Human Trafficking: Sex Trafficking	In Parish	Open: Matter before the Court
St. Andrew 'C'	Male	Jamaican	44	Sexual Offence: Incest	In Parish	Open: Matter before the Court
Clarendon	Male	Jamaican	66	Akin to Human Trafficking: Rape & Abduction of a child	In Parish	Open: Matter before the Court
St. Andrew 'C'	Male	Chinese	28	Human Trafficking: Sex Trafficking	In Parish	Open: Matter under Investigation
St. Andrew 'C'	Male	Chinese	31	Human Trafficking: Sex Trafficking	In Parish	Open: Matter under Investigation
St. Andrew 'C'	Male	Chinese	47	Human Trafficking: Sex Trafficking	In Parish	Open: Matter under Investigation
Kingston 'W'	Male	Jamaican	28	Human Trafficking: Forced Begging	In Parish	Closed: Convicted
St. Catherine 'S'	Female	Jamaican	19	Human Trafficking: Child Trafficking	In Parish	Closed: Convicted

Source: Human Trafficking Cases in 2018/2019 (A-TIP Vice Squad for JCF)

Table 9: Profile of the Trafficker for the 2019/2020 Reporting Period

Cons. #	Accused/Case Name	Gender	Nationality	Type Of Trafficking
1.	Suspect charged	M	Indian	Labour Trafficking
2.	Suspect charged	F	Jamaican	
3.	Suspect Arrested (pending formal TIP charges)	F	Caymanian	Labour Trafficking
4.	Suspect not yet charged	M	Honduran	Labour Trafficking
5.	Suspect not yet charged	M	Indian	Labour Trafficking
6.	Suspect not yet charged	M	Chinese	Labour Trafficking
7.	Suspect charged	M	Jamaican	Sex Trafficking
8.	Suspect charged	M	Jamaican	Sex Trafficking
9.	Suspect charged	F	Jamaican	
10.	Suspect charged	F	Jamaican	
11.	Suspect Arrested (pending formal TIP charges)	M	Jamaican	Sex Trafficking
12.	Suspect not yet charged	F	Antiguan	Sex Trafficking

Source: A-TIP-IP Vice Squad, 2020

The National Rapporteur, in her first report to Parliament in 2018, observed that females were gradually assuming a more dominant role as traffickers within the Human Trafficking landscape of Jamaica. This trend continues throughout the current reporting period. The table above shows that during the 2019/2020 reporting period, of the twelve (12) traffickers that have either been charged or may be potentially charged, five (5) were noted to be females. The dominant nationality of the traffickers was Jamaican with a few identified from countries such as India, Cayman, Honduras and Antigua.

30%
OF HUMAN TRAFFICKING VICTIMS
ARE CHILDREN

Child Trafficking

Under international law, child trafficking is a crime involving the targeting of children for the purpose of exploiting them in a number of ways. In accordance with the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182), and the United Nations Convention on the Rights of the Child, a child is defined as an individual under the age of 18 years. According to a September 2017 report from the International Labour Organization (ILO) and Walk Free Foundation, the number of persons under the age of 18 who were trafficked was estimated at 5.5 million (25%). Furthermore, a relatively new study by the United Nations Office on Drugs and Crime revealed that children currently account for 30% of those being trafficked¹⁷. This data indicates that there has been a five (5) per cent increase over a 1-2 year period, depending on when and how the data was collected by both entities.

¹⁷ UNODC, 2019

According to Article 3 of *ILO Convention No. 182*, the worst forms of child labour comprise of:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; and
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Victims of Child Trafficking are recruited, transported, transferred, harboured or received for the purpose of exploitation. Internationally, they may be forced to work in factories, on construction sites, on farms or in houses as domestic servants; on the streets as beggars, in wars as child soldiers, in traveling sales crews or in restaurants and hotels. Some are forced to work in brothels and strip clubs or to provide escort and massage services¹⁸. Much like the global context, Child Trafficking exists in several forms in Jamaica. The main forms observed locally include child commercial sexual exploitation; child forced labour (begging) and child domestic servitude. The A-TIP-IP (Vice Squad) for the JCF reported that during the period April 2018 to March 2019, six (6) victims were rescued. Of this total, five (5) female teenaged victims were identified and their offenders subsequently charged.

¹⁸ UNICEF, 2018

¹⁹ Van Doore, K. E. (2016). Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages. *The International Journal of Children's Rights*, 24(2), 378-407.

The different forms of trafficking explored below serve to highlight the different ways in which a child could fall prey.

- **Child Sex Tourism.** Child sex tourism is the commercial sexual exploitation of children by tourists who travel to different countries with the intent of engaging in sex acts with, or in the prostitution of, children. Child sex tourism is identified as a problem in countries such as Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Jamaica, Mexico, and Nicaragua. Jamaica has not identified a significant trend concerning child sex tourism within its shores, however, in the reporting period 2018/2019, NATFATIP reported that one (1) American national, Douglas Peacock, who was on the United States of America's Sex Offenders' Register, travelled to Jamaica in June 2017 and sexually molested a child in a public pool at a hotel where they were both guests. After being convicted and pleading guilty to the crime in Jamaica, Douglas was sentenced to nine (9) years imprisonment in August 2018 in the United States of America. In the 2019/2020 reporting period, the A-TIP-IP Vice Squad reported that to date, they had no data or intelligence to suggest that children were being used in child sex tourism. They have also outlined that no such report has been received by their unit.
- **Orphanage Trafficking.** Orphanage Trafficking is the active recruitment of children from vulnerable families into residential care institutions for the purpose of exploitation¹⁹. This form of trafficking typically involves the documenting of false information concerning a child's identity and background as an orphan, known as 'paper orphaning'. By means of fabricating documents, including parental

death or abandonment certificates, or through fabricated 'orphanhood' stories, a child can be co-opted into institutional care. The child is then 'displayed' as an orphan and is used to appeal to the compassion of tourists, volunteers and overseas donors and thereby engaged in the solicitation of funds for the institution. In 2017 the US State Department formally recognized orphanage trafficking as an emerging trend. These trends were highlighted in certain key documents relating to Nepal, Cambodia and Sweden. It should be noted that for Nepal, the issue of orphanage trafficking was included in the overview of Nepal's profile within the Trafficking in Persons Report(s) for 2017 & 2018. In the [First Report of Jamaica's National Rapporteur on Trafficking in Persons](#)²⁰ as well, this issue of orphanage trafficking was raised as an issue to be watched. This call is again echoed in this report.

Recruiting a child to an orphanage for the purpose of exploitation is Trafficking.

- **Forced Labour Exploitation of Children**
Forced labour exploitation of children refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. It refers to work or service that:
 - is performed involuntarily by a child;
 - is mentally, physically, socially or morally dangerous and harmful to children; and
 - interferes with their schooling by depriving them of the opportunity to attend school regularly; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long hours of heavy work.



²⁰ Tabled in 2018

When children are involved in forced labour their exploitation may take the form of **(forced) begging and domestic servitude, among others**. The examples below illustrate ways in which children are exploited through forced labour:

a. Child Forced Begging

Forced begging is a type of forced criminality which occurs when children are coerced into begging and the proceeds are then transferred to the benefit of another (viz. their trafficker). Jamaica has prosecuted its first forced begging case,

which originated in Kingston in 2017 and in 2018 received its first conviction in a second case, namely ***R v Kurt Allen***. **Allen** tricked his victims [eleven (11) teenaged boys] and their parents into believing that he was planning a football camp and that there was a fee that they would have to pay in order to participate. In reality, however, he recruited the victims and forced them to beg in different parts of the island and the proceeds were collected by Allen. The other matter (i.e. the one which predates ***R v. Kurt Allen***) remains in court pending trial.



b. Child Domestic Servitude

Child Domestic servitude occurs when children are recruited and exploited for the performance of domestic tasks and services, typically within private households. Jamaica has prosecuted one (1) case of Trafficking in Persons which features elements of Domestic Servitude. The case of ***R. v Rohan Ebanks and Venoshia Reeves*** was concluded on June 17, 2016 and involved a thirteen (13) year

old Haitian national who was taken from her country by a Jamaican fisherman. She was promised a better life but was instead taken to a rural parish where she was held captive and exploited as a domestic servant; there were also elements of sexual exploitation in this matter. This child victim was neither sent to school nor taught the English language. The matter was successfully prosecuted and resulted in a conviction.



c. *Child Soldiers*

Child soldiering is a form of child trafficking because the environment to which children are exposed in situations of war, is naturally hazardous and interferes with a child's basic rights to education, health, protection and development as well as other safeguards. A child soldier is "trafficked" because there is forced recruitment or no genuine voluntary recruitment; because there is misleading information in the recruitment process as it is done without the informed consent of the person's parent or legal guardian; because these children and/or their parent/guardian were not fully informed of the duties involved in the military service.²¹

Child soldiers are used for various purposes, primarily for fighting and/or to kill and commit other acts of violence. Child soldiers are also used for sexual purposes and are sometimes forcibly recruited as combatants by guerrilla and para-military groups in countries such as Columbia. Still yet, is another cohort of children who though recruited to serve in war zones, do not serve as soldiers; they are used as cooks, porters, messengers, informants or spies, or as instructed by commanders as they see fit. This heightens the possibility of opportunities to further exploit these children.



²¹ Trefenbrun, Suzan. "Child Soldiers, Slavery and the Trafficking of Children." Symposium on Challenges of Children's Rights. San Diego: Global Legal Studies, 2007.1

d. *Forced Criminality*

Often under-reported, trafficking for the purposes of forced criminality occurs when children are forced to commit crimes or to participate in a criminal lifestyle. These criminal associations may include gang activities, the possession of guns & ammunition, acts of larceny/dishonesty or drug trafficking, among others, for the benefit of another. The type of crime tends to differ from country to country. In Jamaica, for instance, many gangs recruit children (commonly young boys) and expose them to a life of crime, thereby grooming them in this way and often times ultimately including them as active members for these criminal enterprises. What makes it child trafficking is **IF** the child is recruited for these criminal purposes and is being used to generate/contribute to ill-gotten gains that benefit the recruiter(s).

e. *Child Shifting - The Cultural Enabler*

In some instances, child trafficking - whether in the form of forced labour, domestic servitude, sexual exploitation or some other form of exploitation - is facilitated through the practice of *child shifting*. Child shifting is usually defined as any situation where the day-to-day responsibility of rearing children is passed on from one or more birth parents to relatives or non-relatives, permanently or otherwise (Russell-Brown et al. 1997). Within the Jamaican context, this long-standing tradition typically involves a financially challenged family sending their child to live with someone who is more well-off with the anticipation that their child will be cared for in a way that they (the birth family) cannot afford. The responsibilities of the guardian(s) may include providing basic needs of food, shelter, clothing and education. Child shifting becomes problematic, however, when children are subjected to extensive chores for long hours; these may include

cooking for the family, cleaning the house and wholesale washing at the expense of sacrificing the very advantages that this “better life” was meant to secure for them. Often, there is an accompanying denial to their basic rights (such as not being able to attend school regularly or at all) and reasonable leisure time. This reality sometimes coupled with acts of physical, sexual and emotional abuse of the child is a serious issue.

f. *Child Rental Schemes*

Over time, young women (whom we have casually assumed are mothers) have often been observed with babies at various ATM machines in Jamaica, in shopping centres and other public spaces, soliciting passers-by for money to assist a sick child or simply to purchase the next meal. However, with the November 2019 nabbing of two (2) women who were arrested, charged and convicted in a child rental scheme in St. Ann’s Bay, one has to now question whether these sightings are legitimate situations of dire need or a human trafficking scheme unfolding in plain sight. Both women (originally from Spanish Town addresses) were charged for renting two children from their mothers; one being a one-year-old girl and the other, an eight-month-old baby boy to serve as a prop to solicit money from passers-by as they camped out at two separate banking machines in St. Ann’s Bay, which is located some sixty (60) miles away from the home(s) of these babies. Following further investigations, it was borne out that the accused women were not related to the two children; in fact, the biological mother had rented the children to the two accused women. Both women were charged under the **Child Care and Protection Act** for *Cruelty to a Child and Unlawful Begging*. While the National Rapporteur accepts that at least there was some degree of accountability,

she remains deeply concerned that despite having been contacted from the very day the observations were made and having given specific recommendations that a child trafficking investigation be pursued given the fact that all the elements to establish such an offence were prima facie present, to date this has not been done. *Did Jamaica fail to hold child traffickers accountable in this instance? Unfortunately, this question remains*

glaringly outstanding; the necessary clarifications have been sought by the National Rapporteur and we await the responses. It is critical for stakeholders involved in awareness raising initiatives, to sensitise the public on the various ways in which human trafficking can manifest, including through child rental schemes. Once there is an act which exploits a child for benefit (some gain – whether financial or otherwise) this is child trafficking.

Table 10: Disaggregated Data on Child Trafficking 2015-2019

Reporting Period	# of Male Child Victims of Labour Trafficking	# of Female Child Victims of Sex Trafficking	Total # of confirmed child trafficking victims for the period
2019	1	1	2
2018	0	5	5
2017	5	4	9
2016	0	1	1
2015	0	1	1

The National Rapporteur has observed that during the period 2015-2019, eighteen (18) confirmed victims of child trafficking have been identified. Of this number, female child victims were in the majority (viz. 12 in total)

when compared to their male counterparts (viz. 6 in total). Female child victims were predominantly trafficked for sexual exploitation, while male child victims were trafficked for labour exploitation.

Table 11: Child Trafficking Prosecutions and Convictions 2015-2019

Reporting Period	# of Prosecutions of Child Trafficking Matters	# of Convictions in Child Trafficking Matters	# of Traffickers Sentenced in cases involving children
2019	2	1	1
2018	5	2	2
2017	4	0	0
2016 ²²	3	3	3
2015	1	0	0

²² The number of prosecutions include cases brought over from a previous reporting period.

A Few Gray Areas Clarified

A. Trafficked Persons versus Missing Persons

Throughout the years, controversy and/or doubt have often been attached to a presumptive connection between the number of persons that have been reported missing and those deemed victims of Human Trafficking. While there is a lack of empirical evidence to solidify this position, globally there has been recurring news of missing women and children being found amongst those who are being trafficked. It is clear that while trafficked victims can perhaps be categorised as being 'missing' to some

extent, it would be statistically inaccurate to classify all missing persons as being victims of Human Trafficking.

A missing person within the Jamaican context, has been defined as "any individual who is absent from his or her place of abode, employment or place of frequency under any unexplained circumstances and for an unusual time period without reasonable communication. During this period of time, such a person cannot be located after steps have been taken to do so."²³ This definition is widely recognised and is also used in relation to children reported as being missing under the Ananda Alert system.

Table 12: Missing Children Statistics by Sex (January - December 2016) (Preliminary)

Missing Children Statistics by Sex (January - December 2016) (Preliminary)												
Month	Reported Missing			Returned			Still Missing			Deceased		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
January	160	32	128	147	30	117	12	1	11	1	1	0
February	162	46	116	156	45	111	6	1	5	0	0	0
March	170	32	138	154	28	126	15	3	12	1	1	0
April	175	29	146	162	26	136	12	2	10	1	1	0
May	140	31	109	127	27	100	13	4	9	0	0	0
June	135	40	95	122	37	85	13	3	10	0	0	0
July	154	40	114	139	35	104	14	5	9	1	0	1
August	137	22	115	118	17	101	19	5	14	0	0	0
September	108	32	76	80	26	54	28	6	22	0	0	0
October	139	37	102	108	32	76	31	5	26	0	0	0
November	115	34	81	80	25	55	35	9	26	0	0	0
December	130	33	97	63	15	48	67	18	49	0	0	0
	1725	408	1317	1456	343	1113	265	62	203	4	3	1

Source: Missing Person Monitoring Unit

Ananda Alert

Ananda Alert is the nationwide alert system that was designed by the Government of Jamaica to ensure the speedy and safe

recovery of a child in the unfortunate event that he/she cannot be located by a caregiver. The system was launched in May of 2009 and serves:

²³ JCF (2010)

- i. To provide rapid response from law enforcement, support agencies, communities and the general public to recover a missing child;
- ii. To increase the awareness of the public about a child who is missing;
- iii. To galvanize communities in the search and rescue of a missing child;
- iv. To manage the timely dissemination of progress reports and statistics on missing children and other related issues.

Table 13: Missing Children Statistics by Sex (January - May 2017) (Preliminary)

Missing Children Statistics by Sex (January - May 2017) (Preliminary)												
Month	Reported Missing			Returned			Still Missing			Deceased		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
January	169	41	128	155	37	118	13	4	9	1	0	1
February	131	26	105	107	22	85	24	4	20	0	0	0
March	149	26	123	120	23	97	28	3	25	1	0	1
April												
May	449	93	356	382	82	300	65	11	54	2	0	2

Source: Missing Person Monitoring Unit (Data was only presented for four (4) months)

The Issue of Trafficking in Persons

In addition to the misconceptions, it is widely recognized that there is a paucity of empirical data regarding Trafficking in Persons. This challenge is understandable given the clandestine nature of the crime and the reality that very few survivors tend to come forward to provide information about their experiences. Varied reasons for their lack of corporation may include fear (of reprisal), mistrust (of those in authority) and ignorance (of Trafficking in Persons). This outcome presents a particularly dangerous situation for those vital in the fight against Trafficking in Persons as information is required to successfully and consistently track and treat with the issue. From the literature available and assessments conducted, ample information is accessible to highlight trends and monitor the efforts at the different levels.

B. Human Smuggling vs Human Trafficking

The terms Human Trafficking and Human Smuggling are often confused. The two differ in four (4) key areas; these are the **Action, Consent, Transnationality and Purpose**. Human Smuggling refers to the illegal movement of persons across international borders and is typically characterized as an immigration offence since it involves migrants fleeing their country to assume residence elsewhere unlawfully. Having received consent from the migrants, the smuggler procures financial and/or other material support (including fraudulent travel documents, if necessary) to illegally move them from their country into the targeted destination country. Upon their arrival to the specified destination, the smuggled person no longer has a relationship with the smuggler and is at will to pursue life in whatever fashion (s)he determines. Human Trafficking, on the other hand, involves the exploitation of individuals,

and movement from one country to another is not an essential component as is the case with Smuggling. A key difference between the two, is that Human Trafficking victims do not provide informed consent to their trafficker(s).

Despite the distinction between the two, however, the interconnectedness of Human Smuggling and Human Trafficking cannot be unacknowledged. The illegal immigrant who agrees to be smuggled may begin his/her journey by paying a smuggler to facilitate his crossing of a border illegally, but may later find that he or she is being forced or coerced into a human trafficking situation even after the agreed smuggling transaction comes to an end. As with Human Trafficking, all countries around the world are affected by Human Smuggling. The **United Nations Protocol Against the Smuggling of Migrants**

by Land, Sea and Air, also referred to as the **Migrants Protocol**, was developed to prevent and combat the smuggling of migrants, as well as protect their rights as human beings. Articles 3(a) and (b) of the Smuggling of Migrants Protocol states that 'smuggling of migrants' shall mean the procurement, in order to obtain, directly or indirectly, a financial or material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident. Common human rights violations associated with smuggled victims involve the person being subjected to threat, varied forms of abuse while in transit, exploitation, torture or death.

The main characteristics of Human Trafficking, Child Trafficking and Human Smuggling are summarized below:

Table 14: Differences between Human Trafficking, Child Trafficking and Human Smuggling

	Human Trafficking	Child Trafficking	Human Smuggling
Victim's Age	Over 18	Below 18	Irrelevant
Action(s)	Recruitment, transportation, transfer, harbouring or receipt of a person by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	Recruitment, transportation, transfer, harbouring, and/or receipt of a child for the purpose of exploitation.	Procurement of illegal entry of a person into a country of which the person is not a national, a permanent resident, or a lawful visitor.
Consent	Traffickers exploit their victims at the final destination and/or during the movement to the final destination. There is no consent.	For children, consent is irrelevant regardless of the means.	The smuggled person agrees to be moved from one place to another.
Transnationality	Trafficking occurs regardless of whether the victims are moved internally or outside of their home country.	Trafficking occurs regardless of whether the victims are moved internally or outside of their home country.	Smuggling always involves crossing borders & therefore does not apply to internal movement of people.
Purpose	Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour c) Slavery and similar practices d) Domestic servitude e) Organ removal	Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour c) Slavery and similar practices d) Domestic servitude e) Organ removal	For financial or other material benefit

C. Prostitution vs. Forced Prostitution (Sex Trafficking)

Though there exists an undeniable connection between prostitution and forced prostitution (Human Trafficking) in the context of commercial sexual exploitation, it is important to make a clear distinction between the two.

Forced prostitution occurs when one person profits off the commercial sexual exploitation of another. It may involve the act of recruitment, transfer, receipt of, harbouring of, or obtaining by any means an individual for the purpose of sexually exploiting this individual for the receipt of profit or anything of value. As a crime against the person, forced prostitution violates the rights of the victim and is Human Trafficking.

Prostitution on the other hand, occurs when an individual pays to have sex with another. It may involve hiring, offering to hire or agreeing to hire a person for the individual purpose of engaging in sexual activities.

The main distinctions between the two concepts are consent and control. Consent is not provided by a person who is forced into prostitution. There is also a lack of control by the individual who is providing the sexual services as a third party is often involved in, or benefits from, the sexual exchanges made. Victims are often forced, coerced or deceived into participating in the sexual acts. In prostitution, a person typically volunteers to partake in sex work, has control over their monies, work hours and selection of clients, and consents to the acts carried out.



Figure 7: Profits gained from Sex Trafficking



CHAPTER 4:

The Global Perspective

“Jamaica has never backed down from a fight and this one is no different - together, we commit to the cause.”
- Diahann Gordon Harrison

Global Mechanisms to Combat Human Trafficking

The alarming increase in Human Trafficking has prompted swift action from the global community. Through the adoption of the **2030 Sustainable Development Goals (SDGs)**, Jamaica has effectively committed itself to combating Human Trafficking by the

year 2030. These Sustainable Development Goals represent blueprints to achieving a better and more sustainable future for all, and address the global challenges faced by countries, including those related to poverty, inequality, climate, environmental degradation, prosperity, and peace and justice (United Nations, 2019).

The 2030 Agenda for Sustainable Development Goals (SDGs) that seek to address issues related to the fight against Human Trafficking include Goals 5, 8 and 16.



SDG 5: Achieve gender equality and empower all women and girls

The majority of victims that fall prey to Human Trafficking, in particular sexual exploitation, are women and girls. Target 5.2 calls for countries to Eliminate forms of violence against all women and children in the public and private spheres, including trafficking and sexual and other types of exploitation (United Nations, 2019). Other targets under Goal 5 speak to women empowerment, including the elimination of child marriages and unpaid domestic work.

SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Many cases of Human Trafficking stem from the fact that individuals have difficulty finding and establishing economic prosperity in their jobs. The desire to obtain better opportunities inadvertently forces some persons into high risk situations. As such, Target 8.7 calls for the states to *Take immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms* (United Nations, 2019).

SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Though the Palermo Protocol has been in existence for nearly two decades, Human Trafficking remains a prominent concern in all countries across the globe. Target 16.3 calls for all nations to Promote the rule of law at the national and international levels and ensure equal access to justice for all (United Nations, 2019).

Some Key Achievements

SDG 5: Achieve gender equality and empower all women and girls

The Planning Institute of Jamaica (2018) reported that over the period 2015-2018, the Government of Jamaica prioritized several gender-related initiatives to promote gender equality. Among these efforts, legislation and policies were developed and implemented.

1. To assist with the aim of achieving non-discrimination (among other things), a Joint Select Committee of Parliament was set up in 2017 to review the: *Sexual Offences Act*; the *Offences Against the Person Act*; the *Domestic Violence Act*; and the *Child Care and Protection Act*.
2. In September 2016, the GOJ ratified the *ILO Convention (C 189)* promoting decent work for domestic workers to protect their rights as women and as workers. In addition to the equal pay legislation for work of equal value enacted in the 1970s, the GOJ has made efforts in more recent years to promote equal rights for women in the labour market. *The Employment (Flexibility Work Arrangements) (Miscellaneous Provisions) Act, 2014* was passed and provides a framework for employers to establish flexible work hours to facilitate the needs of families and workers as well as themselves.
3. A 10-year National Strategic Action Plan to Eliminate Gender-Based Violence (2016–2026) was developed. The Action Plan focuses on five (5) strategic priority areas: prevention, protection, intervention, legal procedures, and protocols for data collection. To further the inter-sectoral and integrated response required for gender-based violence (GBV), considerable efforts are being made to establish a shelter to house these victims.

SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Target 8.7 calls for taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 to end child labour in all its forms. The PIOJ in 2018 reported that:

"In support of efforts to achieve Full Employment and Decent Work with Equal Pay, Jamaica continues to be an exemplary working environment that upholds labour rights for all workers, without any discrimination towards migrants or women. Jamaica has ratified a total of 26 ILO Conventions inclusive of the eight (8) fundamental conventions. The minimum wage and a new time and a half rate paid to workers were increased in 2016 with equal pay provisions consistent with Jamaica's ratification of the ILO Equal Remuneration Convention (C 100). This in part, has created a work ecosystem of equal pay. Jamaica has the highest proportion of public sector female managers in the world."

SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Target 16.2 of the sustainable development goals seeks to end abuse, exploitation, trafficking and all forms of violence against and torture of children. The PIOJ (2018) outlined that the achievements of this target involve the following:-

- The Office of the National Rapporteur on Trafficking in Persons was established in 2015

to report on efforts by various government agencies in the fight against human trafficking and to make recommendations where gaps were identified;

- 60.0 per cent increase in the number of reported cases of alleged trafficking in persons involving children between 2014 and 2015.
- Jamaica recorded its first conviction for human trafficking in 2015 and an additional 2 convictions were recorded in 2016.
- "Break the Silence" campaign implemented in June 2015 to promote increased reporting of child abuse by adults and resulted in an 18.7 per cent increase in the number of cases reported.
- National Plan of Action for an Integrated Response to Children and Violence was revised and will be implemented during the period 2018–2023
- National Child Diversion Programme, 2017 – to provide rights-based, gender sensitive and child centred justice delivery options that treat, rehabilitate and reintegrate child offenders.
- In 2015–2016, some 3 702 children benefited from the Children in Court programme which is operated by the Victim Services Division and aims to reduce the level of trauma experienced by children who interface with the justice system.

Worthy of note, is that since the PIOJ's 2018 report, the National Plan of Action for an Integrated Response to Children and Violence has been adopted by Cabinet and discussions about the implementation phases are currently underway and the Child Diversion Act has been passed. Wide scale sensitization and training have been unfolding with a view to full implementation of diversion options for certain scheduled offences.

Key Mentions also include:
SDG 10: Reduce inequality within and among countries

Target 10.7, which seeks to facilitate safe, orderly, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies, is also a crucial component in combating Human Trafficking.

Jamaica's Response

The Planning Institute of Jamaica (PIOJ) in collaboration with the International Organization for Migration (IOM) organized a National Consultation on the Migration Governance Framework (MiGOF) to advance the conversations on migration governance in keeping with Jamaica's National Policy on International Migration and Development and to provide a template for "well governed migration" in the context of Target 10.7 of the Sustainable Development Goals (SDGs).

The MiGOF's primary purpose is to aid countries to operationalize and define migration policies by using a standard set of indicators. MiGOF is applicable to six (6) key policy areas, namely:

- migrants' rights;
- a whole-of-government approach;
- partnerships;
- the socio-economic well-being of migrants;
- aspects of mobility crisis; and
- safe, orderly and regular migration.

Combating Trafficking in Persons

To fight Human Trafficking, the United Nations Office on Drugs and Crime (UNODC) created various frameworks to define, prevent and prosecute Human Trafficking via the United Nations Convention against Transnational Organized Crime and its related Protocols (Palermo Protocols). These protocols include:

Table 15: List of Protocols to which Jamaica is a signatory

Palermo Protocols	Year Jamaica became a Signatory
UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children	2003
Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	2011
Optional Protocol to the Convention on the Rights of the Child in Armed Conflict	2002
ILO Protocol of 2014 to the Forced Labour Convention (1930), entered into force in 1932	1962
ILO Protocol of 2014 to the Forced Labour Convention entered in to Force November 9, 2016	2017 (into force 13 Jun 2018)
ILO Convention 105, Abolition of Forced Labour (1957)	1962
ILO Convention 182, Elimination of the Worst Forms of Child Labour	2003
ILO Convention 189, Domestic Workers (2011), entered into force September 5, 2013	2016

Jamaica is recognized as a source, and destination country for adults and children who are subjected to Human Trafficking. The Government has been making significant strides to combat the scourge of Human Trafficking in Jamaica. Through the enactment of the Jamaican statute, *The Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007 (with Amendments in 2013)*, the government incorporated all elements of the Palermo Protocol. As a signatory of the Palermo Protocol, Jamaica is expected to take concrete steps to criminalize trafficking and protect victims of trafficking.

US Department of State's Tier Ranking Allocation

According to the Department of State,

"The Trafficking in Persons (TIP) Report is the U.S. Government's principal diplomatic tool to engage foreign governments on human trafficking. It is also the world's most comprehensive resource of governmental anti-human trafficking efforts and reflects the U.S. Government's commitment to global leadership on this key human rights and law enforcement issue. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it."

The Trafficking in Persons (TIP) Report provides an outline of the efforts that have been made by countries through their government to comply with the "minimum standards for the elimination of trafficking", according to Section 108 of the Trafficking Victims Protection Act (TVPA). This annual report is released by the US State Department and includes efforts made in three (3) key areas: Prosecuting criminals, Protecting victims and Preventing Trafficking in Persons. In 2018 there were 187 countries listed, including 4

countries noted as special cases. The bulk of the report provides a narrative for each country, highlighting their progress, the gaps and providing recommendations for improvements. These recommendations have been observed to act as a 'measuring stick' for the efforts of the subsequent reporting period. A key note by the State Department is that efforts are assessed relative to the resources available to each country.

The ranking system consists of four (4) levels - **Tier 1**, **Tier 2**, **Tier 2 Watch List** and **Tier 3**. It should be noted that countries ranked at Tier 1 are not indicative of the lack of trafficking but of having fully met the minimum standards for the elimination of trafficking and increasing their efforts to do so. Similarly, countries ranked (or upgraded to) Tier 2 are not necessarily reporting less occurrence of Trafficking in Persons but rather an increase and consistency in efforts to combat trafficking in persons.

Tier 3 is different from the other rankings because it includes potential financial penalties, namely certain restrictions on non-humanitarian, non-trade related foreign assistance and probable US opposition to similar aid from the International Monetary Fund and the World Bank. When all the aforementioned points, inter alia, are taken into consideration, it is evident that there are certain guidelines that are non-negotiable. For example, as the report is based on the informed efforts of the government in relation to Trafficking within a specified period, negligence in highlighting efforts and providing evidence of such efforts will impact a country's ranking. Also, as individual and/or independent countries, with different types of legislation and cultural practices (and understandings), there might be some discrepancy in the expectations stipulated by the guidelines and the current realities of different countries.

A practical example for Jamaica is the consistent recommendation that the number of convictions within each reporting period, is too low; the domestic challenge for Jamaica, is that cases have historically taken a long

time to progress through the criminal justice system from the time of charge to the time of trial and as such, the typical case does not get to the conviction stage within the 12 month reporting cycle.

Table 16: US State Department’s Tier Ranking

TIER 1	TIER 2	TIER 2 WATCH LIST	TIER 3
Countries whose governments fully meet the Trafficking Victims Protection Act’s (TVPA) minimum standards.	Countries whose governments do not fully meet the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.	Countries whose governments do not fully meet the minimum standards but are making significant efforts to do so but - <div> a. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; <div> b. There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or <div> c. The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. </div> </div> </div>	Countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so.

In general, the report is quite methodological in terms of the presentation of information. In an aim to further explore the operations of the tier system, this Report has incorporated a brief overview of some trends observed at the different levels, using the different

narratives and the efforts highlighted. This section will be concluded with a background of Jamaica’s past rankings, with an aim of assessing the current ranking (2019) and the recommendations and efforts made.

Tier 1

Tier 1 countries are described as countries whose governments continued to demonstrate serious and sustained efforts during the reporting period. Some countries that have been on TIER 1 since 2011 to 2019 are:

Australia	Finland	Spain
Canada	New Zealand	United States of America

Serious and sustained efforts by Tier 1 countries in 2018 and 2019 include:

2018 Achievements	2019 Achievement
<ul style="list-style-type: none"> Investigating more cases (Australia, United States of America) Convicting more traffickers (Australia, Finland, Spain, United States of America) Identifying and referring victims to services (Australia, Canada, New Zealand) Increasing training (Australia, New Zealand, Spain) Providing funding for victim services (Canada, United States of America) 	<ul style="list-style-type: none"> Investigating and prosecuting more cases (Canada, Spain) Convicting more traffickers (Canada, New Zealand, United States of America) Identifying and referring victims to services (Spain, Australia, Canada, New Zealand) Increasing training (Australia, New Zealand, Spain) Incorporated survivor input in programmes and policies (United States) Passing new legislation (Australia) Increase funding for victim services (Australia, Finland, United States of America)

There are countries that have moved from Tier 2 and Tier 2 Watch List up to Tier 1 between 2016 and 2018. A common narrative for this type of movement through the ranks is

that the government made key achievements to fully meet the minimum standards for the elimination of trafficking during the reporting period.

Countries that advanced to TIER 1 in 2018 and have maintained that rank in 2019 are:

Argentina	Bahrain	Estonia
	Cyprus	Japan

2018 Achievements	2019 Achievements
<ul style="list-style-type: none"> Increasing investigations, prosecutions and convictions (Argentina) Convicting more traffickers (*Aruba, Cyprus) Identifying more trafficking victims (Aruba, Argentina, Bahrain) Increasing victim protection efforts (Cyprus, Aruba, Japan) 	<ul style="list-style-type: none"> Increasing investigations, prosecutions and convictions (Argentina) Developing new identification and referral guidelines (Estonia) Convicting more traffickers (Cyprus) Implementing a labour act (Estonia) Identifying more trafficking victims (Argentina, Bahrain) Increasing victim protection efforts (Cyprus, Japan)

*It is important to note that while Aruba advanced to Tier 1 in 2018, the country failed to maintain a Tier 1 ranking in 2019.

Only two (2) Caribbean countries have a Tier 1 ranking, namely The Bahamas and Guyana. The Bahamian government, as per the 2018 and 2019 US TIP Reports, was recognized for:

2018 Achievements	2019 Achievements
<ul style="list-style-type: none"> • Securing its first conviction • Having screened more potential trafficking victims • Increasing funding for victim assistance • Collaborating with foreign countries on investigations 	<ul style="list-style-type: none"> • Approving a national action plan; • Increasing funding for victim assistance and anti-trafficking planning; • Elevating national anti-trafficking planning to the office of the Prime Minister; and • Instituting an anti-trafficking course into the training curriculum of the Immigration Department

The Guyanese government was recognized for the following achievements in the 2018 and 2019 US TIP Reports:

2018 Achievements	2019 Achievements
<ul style="list-style-type: none"> • Increasing funding for victim assistance • Identifying and assisting more victims for the third consecutive year • Opening and operating a trafficking shelter outside of the capital 	<ul style="list-style-type: none"> • Increasing funding for victim assistance; • Identifying and assisting more victims for the fourth consecutive year; • Approving a new national action plan; • Training Guyanese diplomats on victim identification and protection for the first time; and • Training foreign embassy staff to assist with victim interviews

Countries previously at Tier 1 which were formerly described as making significant efforts were observed to be downgraded to Tier 2 on the basis that they had not (or no longer) fully met the minimum standards for the elimination of trafficking.

Countries Downgraded to TIER 2	
2018 Efforts	2019 Efforts
<p>Armenia and Ireland had not (or no longer) fully met the minimum standards for the elimination of trafficking. However, significant efforts that were seen as less than serious and sustained, relative to previous periods include:</p> <ul style="list-style-type: none"> • Armenia provided robust training for law enforcement, slightly more prosecutions and organized awareness campaigns • Ireland collaborated in international investigations and increased funding for victims. 	<p>Aruba and Denmark had not (or no longer) fully met the minimum standards for the elimination of trafficking. However, significant efforts that were seen as less than serious and sustained, relative to previous periods include:</p> <ul style="list-style-type: none"> • Aruba launched an anti-trafficking campaign and allocated funds to victim assistance; • Denmark adopted a three-year national action plan and produced guidelines for businesses on preventing forced labour

St. Maarten was identified as a 'special case' as a result of a national disaster, viz. Hurricane Irma, which struck in 2018 and caused severe damage. This was reported as a hindrance to the government's ability to

submit a report.

In 2016 and 2017 St. Maarten was ranked Tier 1. In 2019, however, St. Maarten regained its Tier 1 position.

Among the countries that lost their status as TIER 1 in 2019 were:

Aruba	Denmark	Germany
Italy	Poland	Slovakia

Countries that lost their TIER 1 status in 2018 were:

Armenia	Ireland	St. Maarten
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Tier 2

Tier 2 countries are those noted as having made significant efforts to meet the minimum standards during the reporting period or are making significant efforts to do so.

Countries currently at Tier 2 that were making significant efforts tended to remain at Tier 2. Significant efforts included:

2018 Efforts	2019 Efforts
<ul style="list-style-type: none"> Increasing funding for victim assistance (India, Jamaica, Mexico) Increased anti-trafficking training for its officials (Trinidad and Tobago) Increasing investigations and convictions (Brazil, Greece) Conducting public awareness campaigns (Barbados, India, Mexico) 	<ul style="list-style-type: none"> Publishing its First Annual Report (Jamaica) Investigating and convicting complicit government officials (India, Mexico, Trinidad & Tobago) Increased anti-trafficking training for its officials (Trinidad & Tobago) Increased investigations and convictions (Jamaica, India, Brazil)

Countries that have been ranked Tier 2 from 2011 to 2019 include:

Brazil	India
Greece	Mexico

Brazil, India and Greece are countries that have been ranked Tier 2 previously and still maintain their position. They have been noted as having continued to demonstrate serious and sustained efforts during the reporting period.

Sustained Efforts include:

2018 Efforts	2019 Efforts
<ul style="list-style-type: none"> Increasing the overall number of investigations and convictions (Brazil, Greece, Mexico) Improving awareness campaign (India, Mexico) Initiating restitution for victims (Brazil) Establishing formal national referral mechanism (Greece) Increasing victim identification (India) 	<ul style="list-style-type: none"> Convicting more traffickers (Brazil, India) Investigating and prosecuting more cases of sex trafficking (Brazil) Identifying more trafficking victims (Brazil) Anti-trafficking Unit making robust investigative efforts (Greece) Initiating high-profile investigations into case(s) involving officials complicit in sex trafficking (India)

Other countries on Tier 2 in 2019:

Antigua & Barbuda	Dominican Republic	Honduras	Lebanon	Panama
Aruba	Egypt	Jordan	Morocco	Peru
Bulgaria	Ghana	Kenya	Nepal	Singapore

Tier 2 Watch List

Countries placed on the Tier 2 Watch List are noted as countries whose governments do not comply with the minimum standards but are making significant efforts to do so during the reporting period. An additional feature of being on the watch list, is that there are factors concerning severe forms of

trafficking in the country that are significant; the country's failure to provide evidence of any increased efforts to combat these severe forms; or the fact that the country committed to take steps to address trafficking but have not yet taken them.

Significant efforts include:

2018 Efforts	2019 Efforts
<ul style="list-style-type: none"> Prosecuting and convicting more traffickers (Cuba, Guatemala) Developing/ publishing its national anti-trafficking action plan (Cuba, Guatemala) Training police officers (Fiji, Haiti, Hong Kong) 	<ul style="list-style-type: none"> Initiating new prosecutions (Belize, Fiji) Convicting more traffickers (Angola) Investigating and screening more trafficking cases (Angola, Fiji, Barbados) Public awareness campaigns (Fiji, Angola) Training officials and first responders (Fiji, Barbados)

It was found that countries on the Tier 2 Watch List that had devoted sufficient resources to a written plan which outlined significant efforts to meet the minimum standards were granted a waiver per the Trafficking Victims Protection Act. This serves as preventing such countries from being downgraded to Tier 3 and being

subjected to some of the consequences associated with that tier ranking; the most dreaded of which includes the inability to receive any substantial financial assistance. Cuba and Hong Kong are two examples of such countries.

Some of the countries on the Tier 2 Watch List in 2019 are:

Angola	Curacao	Liberia
Barbados	Fiji	Malawi
Belize	Gabon	Sierra Leone

Countries on the Tier 2 Watch List in 2018 were:

Cuba	Fiji	Guatemala
Haiti	Hong Kong	

Tier 3

Tier 3 countries consist of those not fully meeting the minimum standards for the elimination of trafficking and are not making significant efforts to do so.

Efforts which ought to be made, but are not, include:

2018 Efforts	2019 Efforts
<ul style="list-style-type: none"> • Cooperation with international authorities to address forced and fraudulent marriages (China) • Steps to ratify the UN Convention against Transnational Organized Crime (Iran) • Steps to identify some victims (Russia & Belize) • Investigation of nine trafficking cases (Belize) 	<ul style="list-style-type: none"> • Cooperation with international authorities to address forced and fraudulent marriages (China) • Prosecuting traffickers and sex tourists (Cuba) • Steps to ratify the UN Convention against Transnational Organized Crime (Iran) • Steps to identify some victims (Russia) • Conducting training for officials (Venezuela)

Countries on Tier 3 in 2018:

Belize	Russia
Bolivia	Syria
China	Venezuela

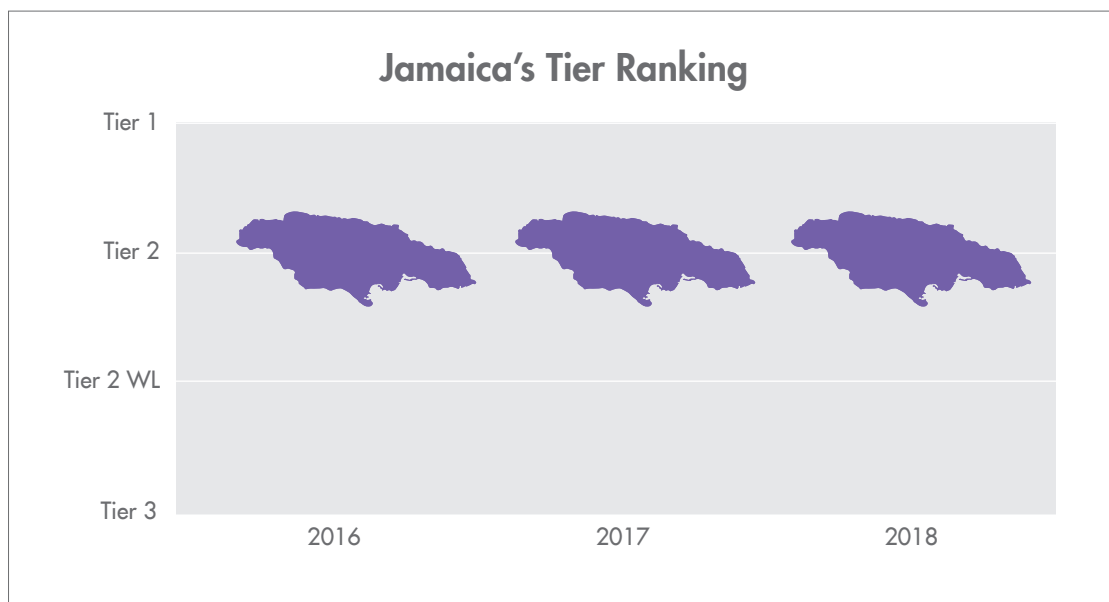
Some countries on Tier 3 in 2019 are:

North Korea	Russia
Burma	Syria
China (PRC)	Venezuela

Bolivia is another country that has been designated as Tier 3 and it found itself on Tier 3 on the basis that it had been on the Tier 2 Watch List for four (4) consecutive years. It is noted that Bolivia did not demonstrate an overall increase in its efforts to meet the minimum standards for the elimination of trafficking compared to the previous reporting period.

Syria is an extreme case as it has been described as not demonstrating any efforts whatsoever to address Human Trafficking through prosecution, protection or prevention measures. It has been ranked Tier 3 for every year since 2012.

Zeroing In On Jamaica's Tier Ranking Profile



Jamaica remained at Tier 2 for the third consecutive year, being noted as 'making significant efforts' to 'fully meet the minimum standards for the elimination of trafficking' and that the government 'demonstrated increasing efforts compared to the previous reporting period.' Jamaica's efforts noted by the TIP 2018 Report included - 1) increasing funding for victim assistance; 2) publishing standard operating procedures (SOPs) for labour and health care officials; 3) passing a legal amendment designed to enhance the government's efforts to prosecute and convict traffickers under its anti-trafficking law; and 4) increasing awareness efforts. Areas noted as shortcomings in the country's efforts were - 1) the penalty for trafficking was not commensurate with other serious crimes; 2) significantly fewer investigations were initiated compared to the previous year; 3) the country did not provide adequate protection for some potential or confirmed trafficking victims; and 4) an annual report on government efforts was not published.

Penalties

The penalty under the Trafficking in Persons Act allows for a person to be convicted for a maximum of thirty (30) years, if there are certain aggravating factors which arise. Without the presence of any aggravating factor(s), the maximum term of imprisonment is twenty (20) years. The Jamaican TIP Act defines these aggravating circumstances as including when a child is the victim or where the trafficker introduces the use of drugs or a weapon as a means of control or where the trafficker is a person in authority over his/her victim(s).

Some may argue that this sentencing range within the TIP legislation is in fact commensurate to, or even stronger than, the penalties prescribed for some other serious crimes.

Fewer investigations

As the awareness regarding trafficking in persons increased among key front-line persons, there is a greater understanding of what 'trafficking in persons' actually is. This has resulted in less but more accurate referrals. In prior years, due to misunderstandings among intake personnel about what the scope of Human Trafficking included, the number of referrals was significantly high and likewise the subsequent investigations, which unfortunately hardly materialized into substantive cases that warranted any prosecutions.

Additionally, the deployment of States of Public Emergency (SOEs) and Zones of Special Operations (ZOSOs) helped in disrupting the stability of some locations that were used as bases for human trafficking activities, as criminals seemed to become more transient and their establishments in St. James, Kingston and St. Catherine were the subject of increased scrutiny and more police operational activities.

Inadequate protection

Victims who have been identified have been provided with some degree of protection that is commensurate with the level of risk and threat according to the relevant assessments conducted by the JCF. Some victims, however, have from time to time complained about aspects of care that they were not fully satisfied with.

Publication of the annual report

The annual report was incomplete due to a range of circumstances including limited resources (staffing) and access to essential data from key stakeholders within good time.

For 2019, the US Department of State's Report outlined that the government of Jamaica did not meet the minimum standards in several key areas:-

- (a) Increased funding did not result in improved protection for victims or increased accountability for traffickers.
- (b) The government identified fewer victims compared to the previous year; it provided minimal services to identified victims and did not refer any Jamaican victims to shelters; and convicted only one trafficker.
- (c) Public awareness and outreach activities were ineffective in increasing officials' and the public's capacity to identify and

appropriately respond to suspected cases of trafficking in their communities.

In general terms, efforts are being made by the Jamaican government to consistently treat with the issues associated with Trafficking in Persons. Where gaps are present, it is the role of the National Rapporteur to assess them accordingly and make suitable recommendations. This duty is discharged through the annual report and directly to stakeholders and frontline personnel upon the occurrence of various instances as they arise.

Jamaica's TIP Rank History	
Year	Tier Ranking
2003	Tier 2
2004	Tier 2 Watchlist
2005	Tier 3
2006	Tier2 Watchlist
2007	Tier 2
2008	Tier 2
2009	Tier 2
2010	Tier 2
2011	Tier 2
2012	Tier 2 Watchlist
2013	Tier 2
2014	Tier 2 Watchlist
2015	Tier 2 Watchlist
2016	Tier 2
2017	Tier 2
2018	Tier 2
2019	Tier 2
2020	Pending



CHAPTER 5: **Jamaica's Response to Recommendations to Combat Human Trafficking**

Jamaica's Response to Recommendations to Combat Human Trafficking

The Office of the National Rapporteur on Trafficking in Persons is tasked with the responsibility of providing an objective, analytic and comprehensive overview of the policies, programmes and strategies developed to combat Human Trafficking in Jamaica. In effecting this mandate, the Office sought to assess the Government's response to the recommendations made in ONRTIP's inaugural report, which was tabled in the Houses of Parliament in 2018, and those made in the U.S. Department of State's 2018 TIP Report. This assessment was done using the rubric of the 5P(s) - Prevention, Protection, Prosecution, Policy and Partnership.

Ministries, Departments and Agencies (MDAs) that play either a direct or indirect role in the fight against Trafficking in Persons were included in the assessment. Given the nature of the crime of Trafficking, members of the National Taskforce against Trafficking in Persons (NATFATIP) sub-committee were among, and accounted for the majority of, those interviewed.

Table 17: List of Agencies interviewed in ONRTIP's 2019 Assessment

Child Protection and Family Services Agency (CPFSA)	Ministry of Labour and Social Security (MLSS)	Planning Institute of Jamaica (PIOJ)
Jamaica Customs Agency (JCA)	National Children Registry (NCR)	Port Authority of Jamaica (PAJ)
Jamaica Constabulary Force (JCF)	National Taskforce against Trafficking in Persons (NATFATIP)	The Theodora Project
Jamaica Defence Force (JDF)	Office of the Director of Public Prosecution (DPP)	Victims Support Division (VSD)
Justice Training Institute (JTI)	Passport Immigration and Citizen Agency (PICA)	

The Score Card

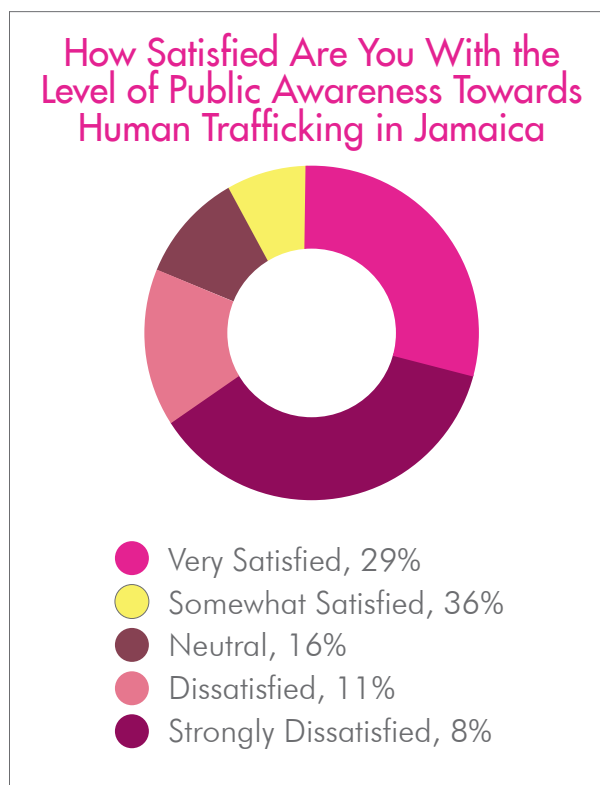
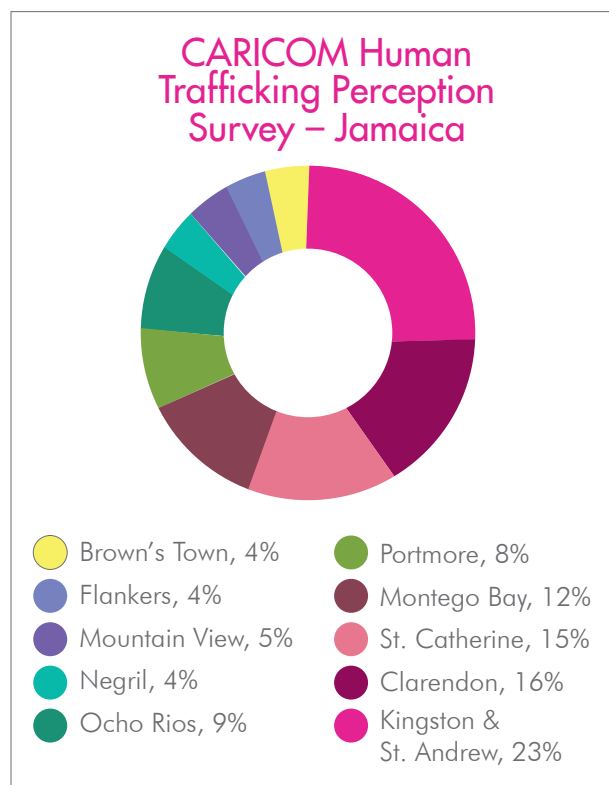
Prevention

Efforts to combat the scourge of Trafficking in Persons continued to progress in 2018 through to 2019. Prevention efforts are typically identified as the most effective

avenue towards stemming the effects of trafficking, as it is important to prevent it from happening in the first place. During ONRTIP's 2019 assessment, all governmental and non-governmental MDAs interviewed, self-reported that the Government of Jamaica had increased its efforts to fight against Trafficking in Persons.

Of key relevance to prevention efforts as well, are the sensitization strategies that are pursued by the government with members of the public and at times equally important, are how these efforts are perceived by the public. Over the period from July 2019 – February

2020, a CARICOM Human Trafficking Perception Survey was conducted as one of the primary activities of a CARIFORUM/ CARICOM Human Trafficking Consultancy. The results that pertain to Jamaica are reflected in the charts below:



Rapporteur's Recommendation: Routine Capacity Building for First Responders

ONRTIP, in its 2018 inaugural report, recommended that the GOJ identify and provide, in a sustained manner, the necessary funding and resource support to maintain routine capacity building initiatives for first responders. This initiative would have involved conducting periodically, widespread training and sensitization sessions on the indicators of Human Trafficking and indicate the steps that should be taken by first responders in the event they have identified a possible case. It was also recommended

that new recruits at the National Police College should be exposed to TIP training as a part of their routine preparation to join the police force. This standard is yet to be fulfilled as at the time of this assessment but the National Rapporteur remains hopeful in light of the launch of the E-Learning module on Human Trafficking that was created by ONRTIP (in collaboration with the British High Commission) that targets first responders, including the police.

In the reporting period April 2018- March 2019, the A-TIP-IP Vice Squad conducted several training/sensitization sessions with different groups across the island.

Training and Sensitization Sessions

Table 18: Training and Sensitization Sessions for the Fiscal Period 2014-2019

#	Group	Fiscal Year 2014/2015	Fiscal Year 2016/2017	Fiscal Year 2018/2019
1	Judges	0	90	140
2	Prosecutors	0	0	50
3	Schools	4036	8016	7,039
4	Churches	603	0	1395
5	Police	563	1063	339
	Justices of the Peace	0	1862	0
6	Community Meetings	0	0	0
7	Others (functions, fun days, orientation sessions etc.)	636	4068	2,769
Total	6	5,838	15,099	11,722

Source: Anti-Trafficking in Persons & Intellectual Property Vice Squad (A-TIP-IP) 2019

In the subsequent reporting period 2019/2020, the A-TIP-IP Vice Squad conducted a total number of 155 sessions with a reported 24,370 persons in attendance. These training and sensitization sessions were conducted as outlined below:

1. All Geographic Police Divisions
2. Four (4) all-inclusive hotels on the North Coast
3. Various schools and churches
4. National Police College of Jamaica (NPCJ)
5. Caribbean Regional Drug Law enforcement Training Centre (REDTRAC)
6. Panama (US Judges)
7. Tourism Product Development Company (TPDCo)
8. Service Clubs (Lions and Kiwanis Clubs)
9. The Governor-General's Youth Conference under the I-Believe initiative.
10. Cyber Security Month (Montego Bay,

Kingston, Mandeville)

11. Miami School of Law
12. UWI Mona (SALISES, School of Education etc.)
13. Jamaica Customs Agency
14. Passport Immigration and Citizenship Agency (PICA)
15. National Bar Association (Judicial Conference)
16. Ministry of Education (MOEYI) Region 4
17. Jamaica Defence Force (JDF) Coast Guard
18. Jamaica Combined Cadet Force
19. Custos of Mandeville's TIP Symposium

Compared to previous fiscal years, there was a significant increase in the number of persons that were trained or sensitized in the reporting period 2019/2020. The sensitization efforts of the A-TIP-IP Vice Squad have also resulted in improvements of the reporting and referral styles of different organizations. For instance,

the National Children's Registry (NCR) has referred significantly fewer numbers of child trafficking cases to the A-TIP-IP Vice Squad having gained greater understanding of what child trafficking entails. In the reporting period 2019/2020, the A-TIP-IP Vice Squad reported that they received fourteen (14) calls from the NCR. Investigations were launched in relation to allegations of sex trafficking. NATFATIP has also reported that no victims were identified subsequent to the investigations as a result of calls received at both the toll free and emergency lines.

Of significance also, is that the A-TIP-IP Unit

reported that its members accessed training opportunities to further build their own capacities; these include:-

- A Regional Intermediate TIP Course at the Caribbean Regional Drug Law Enforcement Training Centre (REDTRAC), Jamaica.
- Attending an INTERPOL TIP debriefing course in The Bahamas.
- Participated in the INTERPOL led Regional TIP operations code named: Operation Liberal under the INTERPOL Project to Combat Human Trafficking in the Caribbean.

Table 19: Training and Sensitization Sessions for the Fiscal Year 2019/2020)

Date	Description of Activities
January 21–24, 2020	A four-day training session was conducted with Customs Officers in Montego Bay, St James on January 21-24, 2020. Approximately seventy-five (75) Customs Officers were trained.
January 13–15, 2020	A three-day training session on Trafficking in Persons and Migrant Smuggling was conducted for the Jamaica Defence Force Coast Guards on January 13-15, 2020. Approximately seventy (70) Coast Guards were trained and sensitised on the Trafficking in Persons and Migrant Smuggling.
January 29 – February 2, 2020	Training of Council members of the National Integrity Action (NIA) was also conducted by the GOJ on January 29-February 2, 2020. Approximately twenty (20) officers were trained in the area of Trafficking in Persons.
June 7–9, 2019	The Office of the Director of Public Prosecutions hosted an Anti-Trafficking Workshop/Seminar The Knutsford Court Hotel where 21 participants including members of the Human Trafficking and Sexual Offences Unit at the Office of the Director of Public Prosecutions were trained.
September 5–6 & 12-13, 2019	A four-day Trafficking in Persons training session was also conducted by the GOJ with Tourism Officers on September 5, 6, 12 and 13, 2019. Approximately fifteen (15) Tourism Product Development Company Team Jamaica Officers were trained on how to identify a victim and trafficker, referral and reporting procedures as well as TIP within the tourism industry.
October 20, 2019	A one-day training session was conducted by the GOJ with the Jamaica Combined Cadet Force on October 20, 2019. Approximately one hundred (100) persons were trained.

October 28, 2019	A total of sixteen (16) Coast Guards from the Jamaica Defence Force were trained on the issue of Human Trafficking.
November 28, 2019	A one-day training session on Trafficking in Persons and Smuggling of Migrants was conducted with members of the Task Force. A total of 22 members were present at the training.
December 3–4, 2019	A two-day training session was conducted for Labour Officers and Social Workers in Clarendon, Manchester and St Elizabeth on December 3-4, 2019 at the Tropics View Hotel in Manchester. Approximately sixty (60) officers were trained on Child Labour, Human Trafficking and the Ministry of Labour and Social Security Standard Operating Procedures on Trafficking in Persons.
2019	Justice Fairs- NATFATIP has participated in a number of Justice Fairs held by the Ministry of Justice, Court Management Services and the Legal Aid Council in the parishes of St James, Clarendon, St Catherine and Kingston. A number of community members especially members of volatile communities were sensitised on the issue of trafficking in persons.
2019	Schools- TIP Sensitisation sessions were conducted in a number of schools across the island including Clan Carthy Primary School, Alpha Primary School, Dunoon Technical High School, Manchester High School, St Hilda's Diocesan High School among many others.
2019	Churches- TIP sensitisations sessions have been conducted at a number of churches and church conferences including the Portmore Seventh Day Adventist Church, the Emmanuel Gospel Assembly and the Central Jamaica Conference Youth Jamboree where over One Thousand (1000) persons were sensitised on the issue of human trafficking.
2019	Collaboration with the National Parenting Support Commission: The National Task Force has been assisting the NSPC with its Parent Mentor Programme in all the parishes across the island. One of the Modules in this Programme is Referral-How to make Representation. Through this Module NATFATIP has engaged a number of parents in the parishes St Ann, Kingston, St Andrew, Hanover and St Elizabeth on the issue of Trafficking in Persons and how to properly report a suspected case of trafficking.
2019	The Overseas Employment programme through the MLSS continues to provide job opportunities both in the Hotel and Agricultural Sectors in the United States and Canada (H2A & H2B). For the period January to September 2019, 16,187 workers were placed. Prior to their departure, all workers were sensitized on human trafficking. They were also provided with the names and contact numbers of their liaison officers for the respective zone and countries.
2019	Roadshows – The Ministry of Labour and Social Security conducted two (2) road shows in St Mary and St James and one (1) sensitisation session in Clarendon for the 2019/2020 financial year reaching approximately 1,500 persons directly and an additional one (1) million persons through outside broadcasts. Persons in attendance were sensitised on Child Labour and Human Trafficking.

2019	<p>In-house briefing of Officers being assigned to Overseas Missions by the Ministry of Foreign Affairs and Foreign Trade</p> <ol style="list-style-type: none"> As part of the process of briefing officers being assigned to Missions overseas, the Consular Affairs Department in providing a general overview of the Consular functions in Missions, sensitized staff on the critical role of Consular Officers in Missions in identifying potential victims and of their role in facilitating and securing the welfare and the return of victims, including the processing of travel documents. NATFATIP also assisted the Ministry to meet with staff being reassigned overseas to provide them with information on TIP related matters. This included guidance on their own conduct in treating with domestic workers hired by them, so as not to contravene international and host country laws on human trafficking. In November, new recruits to the Ministry were briefed on Human Trafficking as part of the Ministry's pilot training course: <i>"Foreign Service Entry Level Programme for New Recruits"</i>.
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Rapporteur's Recommendation: **Creation of Specialized Public Education Messages**

ONRTIP, in its 2018 report, recommended that the GOJ should utilize specialized teams who would have the capacity to create more impactful targeted public education campaigns, especially for those individuals deemed most vulnerable in Jamaica. In fact, it would be more ideal for the different entities to pool their resources and work together to achieve a common goal. At the time of ONRTIP's 2019 assessment, the different Ministries, Departments and Agencies, particularly those on the relevant NATFATIP sub-committee, indicated that consultations would have been held to develop these campaigns. In some cases, entities operated independently, and as such, greater coordination is still required. Additionally, numerous MDAs indicated that the content of the current public education campaigns needed to be simplified and more creative in order to reach diverse audiences and impact differently. It is of grave importance to truly break through cultural and communication

style barriers that exist in Jamaica to reach all sections of the population.

In the period 2019/2020, the GOJ funded and participated in several joint and stand-alone activities which targeted several critical stakeholders. The list included commercials, interviews and educational materials via one-on-one contact and media engagements. Some public sensitization campaigns conducted by the government during the current reporting period were:

- NATFATIP's launch of an A-TIP Club in Schools Programme, of which Port Antonio High School served as the pilot. The Programme was formally launched on October 3, 2019 in 13 secondary schools across the island. The plan is to formally launch the initiative in ten (10) high schools across the island with the aim of heightening awareness activities among children/minors as well as teachers. Additionally, it will help students to complete their School Based Assessments (SBAs) and Internal Assessments (IAs) treating with the subject area.
- The docu-drama entitled *Rescue* was used

as part of an awareness raising strategy.

- The GOJ hosted the country's first International Human Trafficking Conference in Jamaica on July 25-26, 2018 at the Melia Braco Village in Trelawny under the theme "From Victim to Survivor: The Hard Road to Recovery."
- A Distinguished Lecture on Human Trafficking under the theme: "Human Trafficking - A Global Epidemic: A Closer Look on Human Trafficking and its Effects on Society" was hosted by NATFATIP at the University of the Commonwealth Caribbean (UCC). The presenters were Dr. Roza Pati, Director of the Human Trafficking Academy at St Thomas School of Law (Florida) and DSP Carl Berry, Head of the a-TIP (vice Squad) in the Jamaica Constabulary Force. Over two hundred (200) students were in attendance.
- A 2019 TIP Calendar was crafted based on a comic book which serves as a multi-purpose reading tool for children and students. Over twenty thousand (20,000) calendars were distributed to the different MDAs as well as the wider public.
- NATFATIP launched its official website and Facebook page in 2018 as a part of its Prevention programme.
- NATFATIP made a call for ten thousand (10,000) volunteers and Anti-Human trafficking Champions to join the fight against Trafficking in Persons. ONRTIP has been informed that to date seventy (70) applications have been received for the Volunteer Programme.
- Sponsor and Partner of the Governor General's *I-Believe Initiative Youth Consultative Conference 2019* which had as its theme, *Stop Human Trafficking*. Novelty items and brochures were distributed to over One Thousand Four Hundred (1400) participants at the conference. Guest presenters included

Jamaica's Anti-Trafficking Ambassador, Ms. Shamere McKenzie, and DSP Carl Berry, Head of the A-TIP-IP (Vice Squad).

- Two (2) outside broadcasts on Human Trafficking were conducted in July 2019 at the Mandeville Plaza in Manchester and October 2019 at the College of Agriculture, Science and Education in Portland, respectively. Additionally, there have been numerous TIP Public Service Announcements on sexual exploitation, domestic servitude and forced labour on television and radio.



Rapporteur's Recommendation: Public Education & Social Intervention

The National Rapporteur recommended that the GOJ implements targeted public education sessions for vulnerable populations such as men having sex with men (MSMs), youth in marginalized communities and commercial sex workers. While focus has been placed on heightening the awareness of children about Human Trafficking, not much focus has been placed on MSMs and commercial sex workers in a deliberate and sustained manner. This is an area which continues to require greater focus from the GOJ. Worthy of note, however, is that some assistance was brought to bear in this regard as the NGO Pursued International, mainly targets commercial sex workers as a means of heightening their levels of awareness about the issue of Human Trafficking.

Rapporteur's Recommendation: **Capitalizing on prescribed individuals**

Prescribed persons, within the context of the *Child Care and Protection Act*, are individuals who work in environments that allow them to have either many contact hours with children and/or to be exposed to a large number of children during the course of their employment. ONRTIP in its 2018 report, recommended that the government should capitalize more on the role of prescribed individuals who would be in an ideal position to observe the indicators which would put persons at risk of falling prey to Human Trafficking. These prescribed individuals may involve teaching and health care professionals.



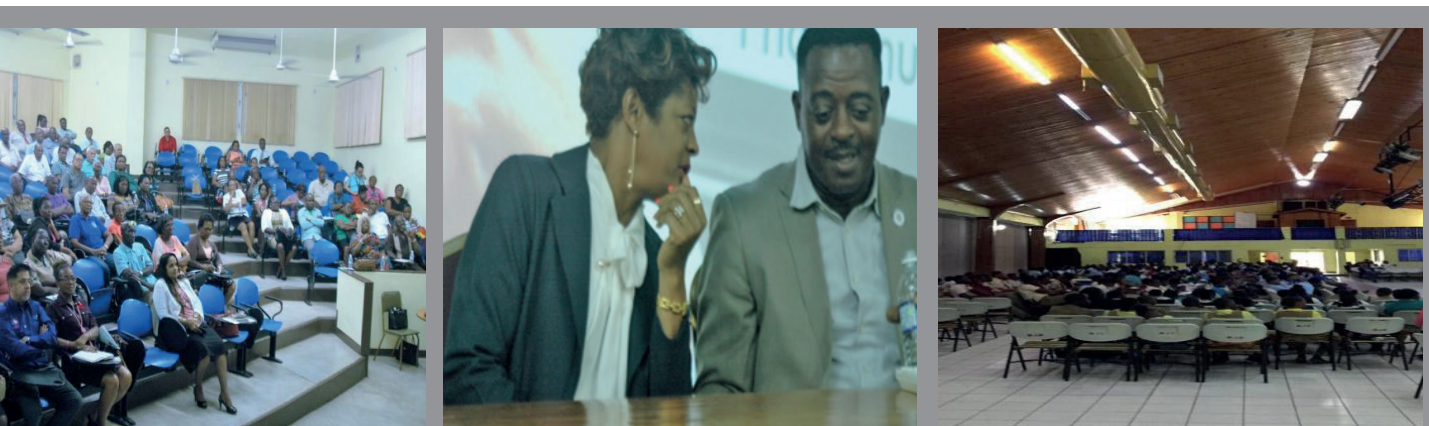
Special Mention

Mrs. Claudette Carole Bryan, JP

“Pliable, Usable and Available” IN THE SERVICE OF HIS MAJESTY.

Mrs. Claudette Bryan is the President of the St. James Chapter of the Lay Magistrates Association of Jamaica. She is also the Regional Vice President for this Association in the County of Cornwall. She was instrumental in arranging the following sensitization sessions.





Sensitization sessions in Western Jamaica

Table 20: HUMAN TRAFFICKING SENSITIZATION/AWARENESS INITIATIVES: WESTERN JAMAICA

Date	Participants Reside	Sensitized group	# of persons
AUGUST 2018	Zone 2 Area- St. James	Justices of the Peace	28
OCTOBER 2018	Diverse Zones in St. James	Justices of the Peace	65
FEBRUARY 21, 2019	St. James and Westmoreland	Students from 22 Educational Institutions (Primary & Secondary, Junior High, and Colleges)	260
		Adults (Pastors, Principals, Guidance Counsellors, Teachers, CISOCA, MOEYI – (Regional Director)	33
March 27, 2019	Negril	The Royalton Hotel Staff	78
May 28, 2019	Lucea, Hanover	Justices of the Peace	30
May 28, 2019	Royalton Hotel, Negril	Staff from the housekeeping, bar and dining room	45
October 16, 2019	Montego Bay	Ministry of Education staff, Principals, teachers, Port workers, JTB staff, hotel workers and Jamaica Fire Brigade workers	110



Rapporteur's Recommendation: Increased Coordination

Given the mandate of each MDA involved in the fight against Trafficking in Persons, it is increasingly apparent that a multi-agency approach must be adopted to assist in the proactive identification and referral of victims. The GOJ has thus sought to develop and implement Standard Operating Protocols which would guide social workers and other frontline officials in the proactive identification and referral of local and foreign trafficked victims. These SOPs represent step-by-step instructions designed to aid workers in executing complex routine operations. The fundamental goal of these SOPs involve maximizing efficiency, quality output and uniformity of performance, while reducing miscommunication and non-compliance with the organization's standardized regulations. Within the current reporting period, several SOPs were developed and/or adapted to assist stakeholders in different sectors of Jamaica, including:

a. Health Sector Workers

The Ministry of Health issued the *Protocol for The Management of Suspected Victims of Trafficking in Persons* for health care workers in April 2017. The primary goal of this protocol involved reducing the effects of Human Trafficking through early identification by health care workers. The objective of the protocol includes providing health care workers with clear operating procedures or guidelines regarding the management of suspected cases of Trafficking. It seeks to enable health care providers to identify clinical manifestations of the major forms of Human Trafficking and provide guidelines to assist clinicians to assess and manage the needs of the trafficked person through a holistic approach. These standard procedures were adhered to during the current reporting period.

b. Labour Officials

The Ministry of Labour and Social Security (MLSS) has developed and issued the *Standard Operating Procedures for Labour Officers, Inspectors, Investigators and Social Workers* in January 2018. The purpose of this SOP is to provide standard guidelines for labour workers in the various sectors of the Ministry including the Occupational Safety and Health Department [OSHD]; Work Permit, Pay and Conditions of Employment Branch [PCEB]; Overseas Employment Agency; Family Services Department; Child Labour Unit; Programme of Advancement Through Health and Education [PATH]; and the National Insurance Scheme [NIS] for identifying, reporting, referring and treating suspected cases of Child Labour and/or Human Trafficking. These standard procedures were observed during the current reporting period.

c. Immigration Officials

Where victims are trafficked from another country into Jamaica, immigration officials have been provided with the *Standard Operating Procedure for the Granting of Temporary Immigration Status to Trafficking in Persons Victims*. This protocol provides victims with temporary legal status within Jamaica with the benefit of receiving protection against further exploitation. Victims may also contribute to the investigation and prosecution of their case while in Jamaica.

d. Child Welfare Officials

The *Standard Operating Protocol for the CDA for Children who are Victims of Human Trafficking* provides guidelines for child welfare officials in addressing suspected and confirmed cases of human trafficking in children.

e. Care Shelters Officials

The *Victim Management Guidelines* outline the general principles and basic procedures

to be undertaken by facilities which provide care for victims of human trafficking in Jamaica (Care Shelters). The guidelines are based on the international minimum standards and guidelines for the operation of care facilities, and are made with adherence to the *Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007*.

The use of SOPs, however, was not the predominant trend for the majority of the MDAs interviewed in ONRTIP's 2019 assessment as most reported that they currently did not have any standards that were specific to Trafficking in Persons. It was noted, however, that some of their longstanding procedures that had been implemented over time appeared sufficiently wide to be used to guide processes relating to ensuring the prevention of Trafficking in Persons. It was also highlighted that in instances where no formally written Standard Operating Procedures existed, documents were made accessible to staff members relating to Trafficking in Persons; these were obtained from training and public sensitization sessions. Similarly, while the country is currently without a national referral mechanism, a referral system (of sort) does exist and is being utilized; there, however, are limitations.

Rapporteur's Recommendation: **Increase Synergies with the ONRTIP**

As the oversight body for the situation of trafficking within Jamaica, and where necessary a key influencer on the approaches taken towards combating Human Trafficking in Jamaica, it is important that a positive synergy is established between the ONRTIP and the different stakeholders in the fight against trafficking. It is crucial that ONRTIP is provided greater access to TIP related data or information that is associated with

Human Trafficking in Jamaica. There is a current challenge concerning data sharing and reporting which impacts the National Rapporteur's ability to create a more objective reporting system on the issue of Trafficking in Persons in Jamaica. For instance, the Office of the National Rapporteur on Trafficking in Persons did not receive a copy of this National Action Plan for review, despite having made the relevant representation to be given access.

The National Rapporteur was also unaware of whether any of the recommendations made in ONRTIP's 2018 annual report were taken into consideration or included in the National Plan of Action. This is a point of grave concern.

Rapporteur's Recommendation: **Increased Focus on Labour Officers**

ONRTIP had made a call for increased focus to be placed on labour inspectors within the Ministry of Labour and Social Security who, in the view of ONRTIP, play a crucial role in the fight against Trafficking in Persons. The MLSS outlined that since 2017, there was a general requirement for all front line officers to be trained in Human Trafficking and there has been an estimated increase in the front line officers from 15 to 150. Amendments to the law have also afforded Labour Officers/Social Workers the capacity to access private spaces to conduct relevant investigations or checks. This represents a positive development as previously, they were limited to public entities and it is anticipated that this step will significantly reinforce the Government's efforts to proactively identify possible victims of Human Trafficking who may be held in private spaces such as homes.



Rapporteur's Recommendation: Active Regulation of Overseas Employment Schemes

It was recommended that the government conduct periodic registration of employment agencies which offer their services to Jamaicans and also do robust follow-up monitoring of them. The *Employment Agencies Regulation Act (EARA)* makes provision for all agencies to be licensed by a designated Licensing Officer and to be inspected (during reasonable hours) by Inspectors of Employment Agencies. Penalties for breaches are also recorded under this statute. While these provisions suggest a well-established regulatory system, repeat cases of Jamaicans who are fleeced of 'registration fees' that they pay to employment agencies from time to time in the hope of securing a job, indicate that there needs to be more vigilance surrounding the enforcement of the provisions of the EARA.

In ONRTIP's 2019 assessment, the MLSS reported that a number of attempts were being made by them to improve their efforts. Some of these include that every one or two years, the different employment agencies are required to re-apply for the necessary licence. If involved in trafficking in persons in the past, no licence will be issued. Additionally, Human Trafficking sensitization sessions are now conducted among persons recruited to participate in overseas employment schemes. The MLSS reported that through its Overseas Employment programme, Jamaicans were placed in jobs to work in hotels and farms/factories (H2A & H2B) throughout the United States and Canada. *For the period January - September, 2019, there were 16,188 Jamaicans placed overseas.* Prior to their departure, ALL workers are sensitised on Human Trafficking and provided with the

contact names and numbers of their Liaison Officers in the respective countries. These officers are to visit the establishment to ensure that work conditions are compliant with agreed standards and communicate with the employees if a matter arises. Of course, an increase in the number of Liaison Officers would enable them to be more proportionately assigned to the employment sites at which Jamaican workers are placed.



Rapporteur's Recommendation: Collaboration with Embassies/High Commissions and Consulates

The National Rapporteur had recommended in her inaugural 2018 report that where relationships with Embassies, High Commissions and Consulates existed, they should be sustained. Where improvements are required, steps should be taken to make the necessary adjustments. One key development in this regard, is that *ONRTIP's Human Trafficking Survivors' Handbook* has been successfully distributed to all of Jamaica's overseas Missions which should assist them when treating with Jamaicans who may have been trafficked out of Jamaica, and now need information on services that they can access along the road to rehabilitation and reintegration. ONRTIP was able to achieve this through collaborative efforts with the Ministry of Foreign Affairs & Foreign Trade. Needless to say, this represents an exemplary manifestation of meaningful cooperation between GOJ entities.



Rapporteur's Recommendation: Proactive Victim Identification

The National Rapporteur called for all the relevant stakeholders who, within their respective mandates, interface with vulnerable populations or have an intake process with a view to increase their awareness about issues of Human Trafficking. Faith based organizations, churches and the different NGOs should not be excluded from this on-going effort. To date, attempts have been made through varied collaborations under the CPC project where key stakeholders are invited to share their inputs on the development of victim identification tools.



Rapporteur's Recommendation: Embracing Technological Support

In leading the charge of embracing technological support in the fight against Trafficking in Persons, ONRTIP, in partnership with the British government, has developed an *E-learning tool* for all relevant personnel. The objective of this tool involves:

- Raising awareness about the issues surrounding Human Trafficking
- Providing general insight into what Human Trafficking entails
- Identifying general indicators of Human Trafficking
- Identifying resources available to support an effective response to Human Trafficking



Rapporteur's Recommendation: Sanctions by the GOJ

Increasingly, the global community has sought to implement measures that would ensure that the labour supply chains of governments, as well as private sector companies, are devoid of activities connected to Human Trafficking. In the United States, for instance, the government does not do business with any company that cannot speak to the integrity of the raw materials that are used in its products; examples of 'contaminated' supply chains include t-shirts made from cotton that is reaped by persons whose labour is exploited by working for long hours without due compensation or young children being made to work in sweat shops to sew clothing. This global development was highlighted by the National Rapporteur in her first report to Parliament, and specific recommendations were made as to how the integrity of labour supply chains could be promoted. This approach, in effect, removes some of the profit that human traffickers can amass by virtue of their criminal activity as it reduces the number of outlets that they have access to as potential markets. In ONRTIP's 2018 inaugural report, the National Rapporteur urged the GOJ to seriously consider this approach as a good way to strip some of the profit out of the crime of Human Trafficking and at the same time, to improve Jamaica's anti-trafficking efforts. This has yet to be executed.

Protection

Jamaica has historically become recognized as a source, destination and transit country for Trafficking in Persons; it is of great significance, however, that Jamaica has since lost the designation of being a transit destination. The other two (2) designations remain, however, and victims have been both local and foreign nationals, trafficked internally and across

international borders. The issue of protection becomes increasingly essential when efforts to prevent the occurrence of Trafficking in Persons are futile. The protection element is of particular significance as it seeks to rectify, to a great extent, the ills that occur as a result of victims being physically, mentally and emotionally scarred. Protection initiatives may include, but are not limited to, (i) victim identification, (ii) the accessibility to shelters and shelter solutions, (iii) safe transportation, (iv) processes of reintegration/rehabilitation, and (v) the implementation of relevant laws/

plans to ensure that the victims' rights are not further abused.

In an effort to proactively identify and rescue victims who are, or who have been, subjected to Trafficking in Persons, the A-TIP-IP Vice Squad of the JCF conducted a heightened number of raids which surpassed those conducted in the previous periods. A total of 32 raids were conducted in the 2018/2019 reporting period compared to 16 in the previous year.

Table 21: Number of raids by Parish in 2016/2017 AND 2018/2019

RAIDS DISAGGREGATED BY PARISH	# OF RAIDS IN 2016/2017	# OF RAIDS IN 2018/2019
St. Thomas	0	1
St. Andrew Central	5	10
Kingston Central	0	1
St. Catherine South	3	2
St. Catherine North	0	1
St. Ann	2	6
St. James	2	5
Kingston East	0	2
Kingston West	0	1
Westmoreland	0	2
Trelawny	2	1
Clarendon	2	0
Total	16	32

Source: Anti-Trafficking in Persons & Intellectual Property Vice Squad

Additionally, the A-TIP-IP Vice Squad reported that in the period 2019/2020 they again launched operations/surveillance drills in all parishes and police divisions across the

country. During this period, a total of 36 operations were recorded which is slightly greater than the amount noted in the period 2018/2019.

Victims Rescued

Data from the A-TIP-IP (Vice Squad) of the JCF reported that, during the period April

2018 to March 2019, a total of six (6) victims of Trafficking in Persons were rescued.

Table 22: Victims/Survivors Rescued 2018/2019

Victims/Survivors Rescued					
Age at Rescue (Years)	Gender	Nationality	Trafficking Type	Route Used	Status of Case
29	Female	Chinese	Sex Trafficking	China-Jamaica	Closed: Offender Convicted
17	Female	Jamaican	Sex Trafficking	In Parish	Open: Offender Charged
15	Female	Jamaican	Sex Trafficking	In Parish	Open: Offender Charged
17	Female	Jamaican	Sex Trafficking	In Parish	Open: Offender Charged
15	Female	Jamaican	Sex Trafficking	In Parish	Open: Offender Charged
16	Female	Jamaican	Sex Trafficking	In Parish	Open: Offender Charged

Source: A-TIP-IP Vice Squad JCF 2018/2019

Table 23: Victims/Survivors Rescued 2019/2020

#	Case Status	Gender	Adult/Child	Nationality	Type Of Trafficking
1.	Two suspects charged	M	Adult	Indian	Labour Trafficking
2.	Suspect Arrested (pending formal TIP charges)	M	Child	Jamaican	Labour Trafficking
3.	Suspect not yet charged	M	Adult	Honduran	Labour Trafficking
4.	Suspect not yet charged	F	Adult	Indian	Labour Trafficking
5.	Suspect not yet charged	M	Adult	Chinese	Labour Trafficking
6.	Suspect charged	F	Child	Jamaican	Sex Trafficking
7.	Three suspects charged	Two Females	Two Adults	Two Jamaicans	Sex Trafficking
8.	Suspect Arrested (pending formal TIP charges)	F	Adult	Jamaican	Sex Trafficking
9.	Suspect not yet charged	F	Adult	Jamaican	Sex Trafficking

Source: A-TIP (Vice Squad) for the JCF, 2019/2020

Table 24: Number of Child Trafficking Victims (By Gender) and cases from 2006-2019

Year	# of Male Child Victims	# of Female Child Victims	# of Child Trafficking Cases
2006	0	1	1
2007	0	0	0
2008	0	0	0
2009	0	0	0
2010	0	1	1
2011	0	0	0
2012	21	0	1
2013	0	3	3
2014	0	2	2
2015	0	1	1
2016	0	1	1
2017	5	4	5
2018	11	0	1
2019	1	1	2
Total	38	14	18

Source: A-TIP-IP Vice Squad

Rapporteur's Recommendation: **Increased Focus on Male Victims**

In ONRTIP's 2018 inaugural report, it was recommended that there should be an increased focus on male victims of Human Trafficking. In the fiscal period 2016/2017, Jamaica had no designated shelter space which could provide accommodation to male victims of trafficking. While there has been a continuous call for a male shelter space to be identified to fill this significant gap, the results from ONRTIP's 2019 assessment of the landscape revealed that there are competing views about the need for a male shelter and stakeholders stress that several factors should be taken into consideration. The

Victim Services Division (VSD), for example, suggested that shelter solutions were the best options to accommodate male victims of trafficking but that these solutions may involve hosting the male victim in temporary locations.

Accessibility to Shelters and Shelter Solutions

Shelters and shelter solutions are made available to all victims of Trafficking in Persons. In accordance with the typical routine, these victims are assessed and a decision is made based upon whether or not it would be beneficial for the victim to be placed in a residential setting. Gender, personal security and the level of risk are key determinants in assessing the best interest of each victim. As it relates to children, a shelter

policy has been signed to fully outline the steps which should be taken when children are identified and deemed to be victims.

Renovations to the TIP Shelter

NATFATIP reported that during the fiscal period 2018/2019, the following renovations were effected upon the government-operated TIP Shelter.

- Upgrades to security;
- The creation of a pantry area;
- The creation of a recreational area;
- Repainting both the inside and outside of the building as well as the perimeter wall;
- Repairs to the flooring such as changing the tiles
- Installation of security poles for the mounting of security camera and lights
- Repairs to the restrooms, kitchen and the laundry area; and
- Repairs to the parking lot.

NGO Operated Safe Houses

Shelters in Jamaica are also operated by non-governmental organizations such as The Theodora Project that operates out of Western Jamaica and Woman Inc. which is based in Kingston. The Theodora Project has as a mission the empowering of young people who are at risk of being exploited through Human Trafficking and the commercial sex

trade by offering opportunities for education, skills training, job placement and personal development as well as shelter care services for females aged 14-25 years. As a product of an initiative of the Negril United Church outreach, the Theodora Project has been in operation for over ten (10) years and it offers a safe house facility which serves vulnerable individuals and can accommodate up to six (6) females. The process of providing safe house services to vulnerable females involves having the Board of the Theodora Project or a team of persons from the Board assess the individual's situation and determine whether they should get approval to stay in the house. Woman Inc operates as a crisis centre and offers crisis counselling, referral services, a 24 hour hotline and provides shelter options mostly for women who are in abusive relationships and has from time to time, had to provide emergency accommodation for female trafficking victims.

Like most NGO(s), the Theodora Project (and Woman Inc) operate independently of the state as they have their own Board which decides how they ought to function. As a result, there are no laws or government regulations guiding how they attend to the needs of victims with whom they might interface. At the time of ONRTIP's 2019 assessment, NGOs that provide services to TIP victims were not required to be licenced or to adhere to the Victim Protection Protocol as articulated by NATFATIP.

Table 25: Victims Housed in Shelter

Year	Victims Housed in Government Shelter	Victims Housed in Non-government Shelter
2017/2018	1	2
2018/2019	2	0

Source: Theodora Project, 2019

Through ONRTIP's 2019 assessment, it was found that not much emphasis is placed on male victims in NGO operated shelters and safe houses. The Theodora Project outlined that they had one rare case where a male victim was identified and a member of the staff had taken him in. It is important to note that the current care-taker of the Theodora Project did not receive formal training in Trafficking in Persons; however, efforts are being made to rectify this matter by taking advantage of the sensitization sessions that are being hosted in the Western Region of the island.

Renovations to NGO Shelters

The Theodora Project also highlighted that there have been improvements to the infrastructure of its facility. Namely, one room was remodelled; however, there is a concern that they need to address leaking in some areas of the building's ceiling.

Support Services for Victims

The government operated shelter is staffed for the provision of 24 hour services to the daily needs of the victims when the shelter is occupied. Professionals such as social workers, counsellors, psychologists and medical professionals also provide on-going visits and services to victims on an "as needed basis", whilst they are housed at the shelter. Apart from these visits from these professionals, there are both structured and unstructured programmes that are made available to victims. These programmes typically include educational/school-based

activities (e-learning portals for teaching and games), taking them to the zoo and parks for recreation and other forms of support that may be appropriate for the well-being and holistic development of the victims. These efforts are realized through the joint efforts of the different organisations on the NATFATIP sub-committees. As documented before, it is the Ministry of Finance which provides the majority of the funds needed for the care of victims.

The Victim Services Division (VSD) an entity of the Ministry of Justice and a member of the Task Force continues to provide the following care services for TIP victims:

- Counselling and psycho-social services;
- Family intervention and support;
- Support before, during and after case disposition;
- Location response;
- Follow-up location visits;
- Securing of temporary housing inclusive of basic amenities such as food, clothing and transportation;
- Liaising with networking partners to provide medical examination, treatment and prescription;
- Provision of welfare assistance; and
- Liaising with networking partners for educational opportunities.

No discussion about the provision of support services to victims of Human Trafficking could be complete without again referencing the NGO community. As detailed above, the Theodora Project stands as a beacon in this area. The Table below provides a summary for the three (3) year period of 2017 – 2019.

Table 26: The Theodora Project's Comparative List of Services Received by Survivors 2017-2019

List of Services Received by Survivors of Trafficking			
Type of Services	2017	2018	2019
Pyscho-Social Support/Counselling	8	6	6
Access to Education	1	3	2
Medical	12	6	4
Shelter/Accommodation	5	4	6
Legal Services/Court Support Services	2	1	1
Immigration and Travel Assistance	1	1	1
Other (Please specify) Clothing Passport Application	2	2 1	1

Source: The Theodora Project, 2019

Rapporteur's Recommendation: **Consistency in Service Delivery**

Since NGOs that provide service to TIP victims are currently neither required to be licenced nor to adhere to the Victim Protection Protocol, there currently lies an inconsistency in the level and quality of services delivered to victims of Trafficking as it varies from provider to provider. The Rapporteur recommends that in order to ensure that a certain degree of minimally accepted standards are observed across the board, NGOs that provide services to victims need to be licensed and required to adhered to the Victim Protection Protocol.

Rehabilitation and Reintegration of the Victims

Victims of Trafficking in Persons who are identified by the system, are provided with various rehabilitation services throughout the stages of protection and prosecution,

with a view to ultimately reintegrating them into society. This is done through intentional efforts to offer psycho-emotional, educational, occupational, medical, personality development and recreational opportunities. These services are extended to both Jamaican nationals and non-nationals, whether or not they decide to stay in Jamaica. If the non-nationals decide to leave Jamaica, assistance is provided to them throughout the general immigration process.

Rapporteur's Recommendation: **Improved Protection for Domestic Workers**

Domestic workers represent a population which is particularly vulnerable to the threats of Human Trafficking, both on an international scale, as well as within the Region. In NATFATIP's commissioned study of 2015, domestic workers were identified

as being at risk for domestic servitude, which tends to be a hidden crime and occurs within private residences. All labourers are entitled to decent working conditions and pay and as such, in 2016, Jamaica ratified the ILO Domestic Workers Convention No. 189, which offers specific protection to domestic workers. It contains information about the underlying principles upon which the Convention is founded as well as the basic rights of the worker and requires States to take a series of measures with a view to making decent work a reality for domestic workers.

Rapporteur's Recommendation: **Revamp the National Plan of Action**

The National Plan of Action (2018-2021) was submitted and approved by Cabinet in or around March 2019. It provides the strategic framework for Jamaica's response to Human Trafficking over a four-year period. In accordance with recommendations made by the US Department of State's 2018 Report on Trafficking in Persons, 21 strategic imperatives were outlined. Each imperative was supported by related actions, timeline(s), responsible agency(s) and progress update(s).

Some of the key imperatives mentioned include:

1. Implementing legislative measures to identify, sanction and prevent the crime of Trafficking in Persons; and assist and protect potential and existing victims;
2. Establishing mechanisms/structures for greater collaboration with Ministries, Departments and Agencies (MDAs) to contain, punish and prevent TIP and remedy its negative impact;
3. Monitoring measures to ensure greater policy integration across MDAs;
4. Preventing and combating Human Trafficking through public education;
5. Community-based Intervention, targeting victims and those vulnerable to TIP;
6. Increased sensitization and training to maximize victim identification, assistance, treatment and protection of victims, and to create greater awareness and understanding of TIP-related matters;
7. Implementing legislative measures to ensure adequate protection for victims and, in particular, persons vulnerable to TIP;
8. Establishing mechanisms for protection and care (with focus on the three "Rs": (Rescue, Removal and Reintegration) and establishing greater adherence to shelter guidelines and international protocols, building trust and overall improved treatment of victims;
9. Implementing legislative measures to prohibit severe forms of TIP (such as commercial sex trafficking, involuntary servitude, debt bondage, slavery) and punish acts of trafficking;
10. Establishing mechanisms to assist and ensure effective investigation, apprehension and prosecution of perpetrators of TIP and to encourage information exchange;
11. Exploring and strengthening partnerships with partners to include International Donor Partners.

Adopting the four (4) P's including Prevention, Protection, Prosecution and Partnership, the new plan seems to have a more targeted approach towards vulnerable groups, for instance it has pledged to increase the sensitization of women working at specific locations such as in nightclubs and massage parlours. There is also a move to capitalize on the role of prescribed individuals such as community-based service providers and non-governmental organisations who work in areas where children and women are most

at risk, for example the Social Development Commission (SDC). The Plan also indicates an intention to establish a protocol to facilitate greater coordination among the Trafficking in Persons' Unit, the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), Child Protection and Family Services Agency (CPFSA), Office of the Children's Advocate (OCA), National Children's Registry (NCR) and Ministry of Health (MOH) , among others) to ensure that essential information is shared and that children's rights remain a priority area.

Of significance, is that the adequacy of the National Plan of Action's funding has been specifically raised. According to NATFATIP, for the fiscal period 2018/2019, the Government of Jamaica allotted Thirty-three Million, Three Hundred and Ninety-four Thousand (\$33,394,000) Dollars to the anti-trafficking fight. However, an additional Forty Million (\$40,000,000) Dollars was expended to support Anti-Trafficking efforts such as assistance to victims, extensive renovations on the TIP shelter and the execution of the previously mentioned International Human Trafficking Conference. The Taskforce further indicated that though funds are allotted to the National Action Plan, there is always a need to garner further support.

Rapporteur's Recommendation: **Global Priority on Children**

As children consistently feature as a vulnerable population and are easy prey for traffickers, the National Rapporteur has specifically called for a dedicated strategic priority on children, to be included in the National Plan of Action. After a review of the National Plan of Action, it is apparent that this was not done; however, children are mentioned in the following context:

- a. To review National Policies and Action Plans that are applicable to TIP-related issues including commercial sexual exploitation and child labour such as the National Plan of Action to end Child Labour (Implemented by the Ministry of Labour and Social Security).

Rapporteur's Recommendation: **National Referral Mechanism (NRM)**

A National Referral Mechanism (NRM) serves as a framework for identifying victims of Human Trafficking and aims to ensure that they receive the appropriate support and any necessary services. The advantage of such a framework, is that data would be readily available as it concerns the number of identified victims, and the profile of these victims – including the countries from which they originate & the type of trafficking to which they have been subjected. References may also include any material dates, nationality or other specific information about the victim. NATFATIP, in ONRTIP's 2019 assessment, indicated that though a NRM is not in place, a referral system of sort has been in use. Also as it relates to an NRM, under the CPC between the US and Jamaican government(s), WINROCK International has been actively spearheading the development of a National Referral Mechanism for Child Trafficking victims, in consultation with a number of local players. A gap, however, still remains as it concerns adult victims of trafficking. Since tacit support for an NRM is evident in this Report, it is important to caution that if Jamaica is in fact to go this route, the framework has to be very carefully considered as there are some NRMs that currently operate with a degree of rigidity as to the timelines for certain decisions to be made and/or the proof that the presumptive victim is forced to

provide if the system will accord them victim status. This is critical as systems such as these could inadvertently further expose victims to hardships and delayed access to care and other support services, which of course, is incompatible with Jamaica's commitment to a victim-centred approach.

Prosecution

The main legislative framework which guides how the courts prosecute Human Trafficking offences in Jamaica is the *Trafficking in Persons (Prevention, Suppression & Punishment) Act 2007*. Supplementing the United Nations Convention against Transnational Organized Crime, the Act implements the protocol to prevent, suppress and punish trafficking in persons, especially women and children. Section 4 of the principal Act outlines that Trafficking in Persons occurs when a person who for the purpose of exploitation:

- a. recruits, transports, transfers, harbours or receives another person within Jamaica;
- b. recruits, transports or transfers another person from Jamaica to another country; or
- c. recruits, transports, transfers, or receives another person from another country into Jamaica,

by any of the specified means [of]:

- a. threat or use of force or other form of coercion;
- b. abduction;
- c. deception or fraud;
- d. the abuse of – (i) power; or (ii) a position of vulnerability;
- e. the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person.

Amendments

In 2013 the Act was amended to incorporate:

- an expanded definition of “exploitation”

to include debt bondage as a form of Human Trafficking;

- stiffer penalties for traffickers which saw an increase from 10 to 20 years maximum imprisonment;
- provisions for the new offence of Conspiracy to Traffic which is punishable by imprisonment of up to 20 years or to both such fine and imprisonment;
- the ability for the prosecution to outline aggravating circumstances that the court may take into account in the sentencing phase of a person convicted for a trafficking offence and;
- gave the court the ability to grant restitution to the victim within the same proceedings that the accused was convicted.

In 2018, the principal Act was further amended following reports from the Office of the Director of Public Prosecutions (ODPP) that a number of irregularities were discovered with trials for Trafficking in Persons (TIP) offences.

- Section 4 was amended to reflect “where a person is charged with an offence under this section, there shall be no committal proceedings; the person shall be tried before a Judge of the Circuit Court sitting without a jury.”
- Section 6 was amended to reflect “an order of restitution under this section may be enforced by the victim, or by the prosecution on behalf of the victim, in the same manner as a judgment in a civil action.”
- Section 16 was amended to reflect “Without prejudice to the generality of subsection (1), regulations under this section may make provision for the better carrying out of the provisions of section 6 (restitution to victims).”

Laws form the basis of any prosecution process. Without laws, and supporting policies and processes, it would be

increasingly difficult to seek to both prevent Trafficking in Persons and to protect victims of Trafficking in Persons. A central element of prosecution and the effective punishment of convicted offenders is the effectiveness of the justice system.

Trafficking in Persons (Prevention, Suppression, and Punishment) Act and Harsher Penalties

Under Jamaica's anti-trafficking law, the penalties for Trafficking in Persons have been criticized externally for not being commensurate with, or equal to, other serious crimes such as rape. Findings from ONRTIP's 2019 assessment found that:

1. The penalties in some cases surpass²⁴ that of other serious crimes;
2. The payment of fines are seen as a limitation, however when consideration is given to the nature of the country, there are cases in which fines are appropriate, for example cases of forced labour and instances where the trafficker is an affluent person which makes him/her able to pay the fine and to provide restitution to the victim(s);
3. The National Rapporteur has formally made the recommendation that *The Proceeds of Crime Act (POCA)* needs to be utilized in a more proactive way and that a financial investigation should be conducted alongside each Human Trafficking case so that the financial profile and means of the offender, if convicted, can be known to the Court and ancillary orders made alongside any penalty imposed under the Trafficking legislation. ONRTIP's 2019 assessment has revealed that this has not been done routinely for the reasons outlined above.

Amendments to the Law

NATFATIP (2019) outlined some major achievements of the Government of Jamaica; these include:

- The Trafficking in Persons (Prevention, Suppression, and Punishment) (Amendment) Act, was amended on March 26, 2018 to allow for trial by a Judge alone in cases involving Trafficking in Persons.
- The Child Care and Protection (Amendment) Act, 2018 was gazetted on March 26, 2018, and this increased the maximum sentence of imprisonment for persons convicted for the sale or trafficking of any child from ten (10) to twenty (20) years.



Rapporteur's Recommendation: Criminal Case Management

The National Rapporteur supports the broad scale application of criminal case management principles as a key strategy in continuing to address the chronic backlog of cases in the criminal justice sector as this should have a positive impact on Human Trafficking cases which are in that same system. Naturally, if the system as a whole becomes more streamlined and efficient, then cases of Human Trafficking should stand to benefit. At the time of ONRTIP's 2019 assessment, the Office of the Director of Public Prosecution outlined that efforts are being made to address the chronic delay and backlog of cases. With the appointment of Jamaica's eighth Chief Justice on March 1, 2018, there is now a new dispensation regarding how cases are handled in court. The GOJ currently works with a criminal case management system which is being handled by date setting. As a result, matters in the Home Circuit Court are now actively

²⁴ See <http://jamaica-gleaner.com/article/lead-stories/20190729/man-gets-six-year-prison-sentence-double-killing>;
See also <http://jamaica-star.com/article/news/20190531/short-sentences-sex-offenders-cause-outrage>.

being set for the 2020/2021 calendar. The prevailing understanding is that cases should have 'trial date certainty'; that is, being ready for court and thus the date being meaningful to all concerned - the accused, witnesses, attorneys and the Court.

The ODPP has taken an active policy position by attaching case priority dates to Human Trafficking matters. While not seeking to displace other criminal matters that appear before the court, great effort is taken to have these cases tried at the earliest convenient time. ONRTIP's consultation with the ODPP also reinforced the fact that date-setting is sometimes outside of the ODPP's control and as such, it is paramount that the various stakeholders, including Judges, prosecutors and defence counsel, are trained/sensitized and a clear policy established regarding Trafficking in Persons' cases.

There has also been an on-going effort by the Office of the Director of Public Prosecutions to meet with complainants prior to their trial dates to get a sense of how they are doing and determine whether they are in need of more counselling. The office reports that it is in the initial stages of establishing what it calls a 'victim care unit' to ensure that they are in constant contact with these complainants.

Rapporteur's Recommendation: **Increased Number of Prosecutors Trained in TIP**

The ODPP has reported an increase in the number of prosecutors within the TIP Unit, as there are currently 15 - 18 Crown Counsel with varied levels of experiences in the Unit. Of significance as well, is that efforts are made by the ODPP to schedule prosecutors based on several factors, and to do so in advance to ensure ample preparation time.

Rapporteur's Recommendation: **Increased Number of Specialist TIP Investigators**

The National Rapporteur has recommended an increase in the number of Specialist TIP Investigators to aid with the investigation and prosecution of trafficking matters. ONRTIP has confirmed that between the last reporting period and now, there has been no increase in the number of Investigators attached to the A-TIP-IP Vice Squad within the Jamaica Constabulary Force.

Rapporteur's Recommendation: **Training & Continued Capacity Building**

The National Rapporteur recommends that priority is placed on training and continued capacity building for judges who preside over TIP matters, prosecutors who will advance the cases in court on behalf of the complainants and investigators who will build the cases by gathering the evidence. While various efforts have been made in this area, challenges persist due to the lack of proper financial support to maintain sustained and frequent capacity building for frontline officials, as well as because of the turnover rate among professionals within these categories.

Rapporteur's Recommendation: **Follow the Money to the Big Fish**

In keeping with the objectives and scope of Jamaica's Proceeds of Crime Act (POCA), the National Rapporteur recommended that once a Human Trafficking investigation

is undertaken, there should always be an accompanying parallel financial investigation. It was however, noted by the ODPP that of late, most of the accused traffickers appear impoverished with very little resources to investigate and it was therefore argued, that there is little purpose to routinely conduct a financial investigation. This does not fully comfort the National Rapporteur, however, as ONRTIP is firmly of the view that even if the accused person who appears before the court is a person of straw, it is highly probable that his/her associates and others who may be in the trafficking ring, have access to assets that could very much be tainted/criminal property and thus liable to confiscation and/or forfeiture proceedings. The National Rapporteur therefore reiterates her call for more investigative focus to be dedicated to this effort.

Policy

Without effective policy frameworks to support legislation, the holistic protection of victims and the delivery of services to them, will not be very easily achieved. Some positive gains in the area of policy are enumerated below.

The Development of the Anti-Trafficking in Persons Policy

The Government of Jamaica, in collaboration with the United Nations Development Programme (UNDP), has funded the development of an Anti-trafficking in Persons Policy. NAFTATIP outlined that it is the goal of the GOJ to strengthen the capacity of the state to prevent Human Trafficking by reducing the vulnerability of at-risk groups and through public education, provide protection for victims of TIP, and prosecute and punish those who violate the human rights of Jamaicans and foreigners who are trafficked in Jamaica. This policy complements the existing TIP legislative framework, and provides a

comprehensive framework within which TIP activities may be conducted. Adopting a rights-based approach, it outlines the goals, vision and strategic objectives of the Government in its efforts to combat Human Trafficking and a special emphasis is placed on the efforts to protect children from Human Trafficking. It is envisaged that this Policy will address current gaps by:

- increasing national awareness of Trafficking in Persons;
- increasing the participation in anti-trafficking efforts by all stakeholders including civil society;
- clarifying the roles and responsibilities of all relevant actors;
- identifying and providing a framework for addressing legislative and management gaps in national efforts to combat trafficking;
- providing the parameters and guiding principles for a coherent national anti-trafficking in persons response framework;
- identifying national anti-trafficking in persons' priorities and setting strategic goals to combat Human Trafficking;
- preventing the trafficking of victims within, into and out of Jamaica;
- improving victim services; and
- developing a national framework which will contribute to increased and more successful prosecution of trafficking in persons' cases.

Partnership



At the core of the fight against Trafficking in Persons is the vital element of partnership. As a best practice, the GOJ has established a multi-agency body with the primary responsibility of coordinating, implementing, monitoring and evaluating Jamaica's national response to Trafficking in Persons. Established in 2005, the National Taskforce against Trafficking in Persons (NATFATIP) further highlights the importance and benefits of partnerships. NATFATIP has collaborated with a number of governmental and non-governmental agencies who sit on one of three (3) sub-committees - PREVENTION, PROTECTION or PROSECUTION. Through organizing and executing quarterly stakeholder meetings, and seeking international support in anti-trafficking efforts, NATFATIP is able to develop local and international partnerships aimed at combating Trafficking in Persons.

Local Collaborations

Data-sharing Protocol

In an effort to increase coordination among the local agencies that contribute to the fight against Trafficking in Persons, collaborative action must be taken and encouraged. One such initiative undertaken within the period of 2018/2019 is NATFATIP's development and distribution of a Memorandum of Understanding (MOU) which seeks to facilitate the sharing of data among the relevant MDAs. It is hoped that this protocol will not only increase the instances of data sharing among the relevant MDAs and other

stakeholders whose work is aligned with combating Human Trafficking, but that it will improve broader access to credible data.

Another example of local collaborations is the cooperative work among several different individuals surrounding TIP trainings and sensitization sessions which sought to engage personnel from wide-ranging industries, different communities and both government and private stakeholders. Some of these are highlighted in greater detail in other parts of this Report. These sessions serve the purposes of increasing awareness and assisting in the development of a united front toward the fight against Trafficking in Persons.

Coordination may also be established with organizations that do not have a direct mandate to combat Trafficking in Persons. These agencies include the Port Authority of Jamaica (PAJ).

Port Authority of Jamaica (PAJ)

The PAJ has the designated authority for all the formal sea ports in Jamaica. They strive to have security maintained at the ports through the establishment of robust plans to deal with general issues such as drugs and gun smuggling as well as other forms of organized crime. The PAJ also conducts drills and regular inspections in order to ensure that the necessary protocols and regulations are met. With regard to Human Trafficking, ONRTIP found that the PAJ has the following capacities:-

1. a general system to detect anyone who is unauthorized to be at a sea port;
2. an Anti-Stow-Away Standard Operating Protocol (In partnership with PICA and other related bodies) which detects attempts at illegal exit from the island;
3. to intercept vessels when they come into the formal sea ports over which Jamaica has jurisdiction;

4. to scan and apply screening protocols for vessels;
5. Cargo ports have a fairly sophisticated access control system which is tightly secured;
6. Close collaborations with JCA, PICA, the JDF Court Guard and the Marine Police.

There are approximately nineteen (19) formal sea ports in Jamaica and over 100 informal sea ports/vessels. For the latter, the PAJ has no jurisdiction. Vessels in waters outside of the jurisdiction of the PAJ can be intercepted by the Marine Police and/or the Coast Guard.

The PAJ participated in the following activities in relation to Trafficking in Persons:

1. Routine training and drills
2. Sensitization training which addresses broad security issues including Trafficking in Persons
3. More structured training, especially in relation to cruise ports (June 2017)
4. In collaboration with UTECH, the Port Authority of Jamaica facilitated a course on Anti-Trafficking in Persons (participants from the different ports and students in the related faculty participated). This was a one off event.
5. Training was received from the Immigration and Customs Enforcement Agency (ICE), USA
6. Training on the identification of fraudulent documents that was provided by the U.S. Embassy
7. Courses and seminars- were attended by security personnel from the PAJ during the period of June 2017-2018. Participants were from different parts of the island such as Falmouth and Montego Bay.
8. All security managers have been trained in courses involving materials on Human Trafficking and mandatory inspections.

Jamaica Customs Agency (JCA)

The JCA does not have a strategic focus on Human Trafficking but plays a supportive role to the efforts being made by the GOJ. For instance, employees are trained in relation to matters on border protection - if an adult and child are travelling and the adult is the one presenting the child's documents, the staff is trained to observe the child's behaviour to gain a sense of his/her level of comfort with the situation. If something is detected, the information is forwarded to the A-TIP-IP Intelligence Unit (JCF).

The JCA participated in the following activities in relation to Trafficking in Persons:

1. Sensitization sessions were conducted with staff in 2018 (September/October)
2. Enforcement officers are all trained
3. Trends are observed and reported to staff quarterly
4. Bulletins on Human Trafficking are distributed to the wider staff (this may include what is happening currently in the country or around the region)

Justice Training Institute (JTI)

The JTI represents the training arm of the Ministry of Justice and aims to satisfy any knowledge, skill or attitude gaps within the Ministry and any other sector(s) that may address justice matters in some way. Though the JTI does not have a strategic focus on Trafficking in Persons, it is able to assess a number of gaps identified through research and to thereafter conduct relevant training with individuals.

The Anti-Trafficking in Persons & Intellectual Property Vice Squad (A-TIP-IP Vice Squad)

The A-TIP-IP Vice Squad shared that within the reporting period 2019/2020 they collaborated with several agencies. Extensive details have already been provided on the efforts of this Squad in diverse sections of this Report.



Rapporteur's Recommendation: Collaboration with Embassies/High Commissions and Consulates

The National Rapporteur had recommended in ONRTIP's inaugural 2018 report that where relationships with embassies, high commissions and consulates existed, they should be sustained. Where improvements are required, steps should be taken to make the necessary adjustments. One key development in this regard, is that *ONRTIP's Human Trafficking Survivors' Handbook* has been successfully distributed to all of Jamaica's overseas Missions. ONRTIP was able to achieve this through collaborative efforts with the Ministry of Foreign Affairs & Foreign Trade.

International Collaborations

United Nations Office on Drugs and Crime (UNODC)

The Government of Jamaica actively partners with the international community in an effort to develop and maintain sustained action towards the fight against Trafficking in Persons. In April 2018, the GOJ adopted the Blue Heart Campaign, an initiative of the United Nations Office on Drugs and Crime (UNODC). Leading the charge, Jamaica is acknowledged as the first Caribbean country to adopt this Campaign.



International Organization for Migration (IOM)

In 2015, IOM received funding to develop a three (3) year project which focuses on TIP. Under this project, Jamaica was one of several beneficiaries of a needs assessment; the training of Labour and Immigration Officers; and the development of a Victims Rights Brochure which has translations in English, Spanish, French and Mandarin. The objectives of the project include:-

1. To improve awareness/sensitize national stakeholders about the existing gaps and the need for a victim-centred approach to identify victims, investigate and adjudicate on cases of Human Trafficking;
2. To increase the capacity of law enforcement personnel on victim centred investigations and the prosecution of TIP cases;
3. To strengthen the capacity of criminal justice actors to utilize victim-centred methods to identify victims, certify, investigate, prosecute and adjudicate on TIP cases; and
4. To improve/strengthen regional cooperation to combat Trafficking in Persons, including the protection of victims.

The United States Embassy

The US Embassy has offered capacity building training opportunities for key stakeholders to aid with combating Human Trafficking. Participants who have benefited from the training include judicial officers, prosecutors and law enforcement officers.

With funding from the United States Department of State Office to Monitor and Combat Trafficking in Persons, IOM developed and implemented the Trainer's Manual on Trafficking in Persons for Law Enforcement Officers under the auspices of the project entitled *Strengthening the Institutional Capacity of Criminal Justice Actors in the Caribbean to Counter Trafficking in Persons Using a Victim-Centred Approach*.

International Labour Organization/ Brazil South-South Cooperation

During the period July 2 - 6, 2018, the MLSS through the Caribbean Support Project (funded by the ILO/Brazil South-South Cooperation) hosted a trainer-of-trainers' workshop on labour inspection with a focus on child labour and occupational safety and health for labour officers within the region. Approximately thirty-five (35) participants were drawn from Jamaica, The Bahamas and Guyana and they shared knowledge about Human Trafficking and Child Labour as well as examined best practices from Brazil aimed at eliminating Trafficking.

United States Department of Labour (USDOL)

The MLSS, through support from the USDOL and its implementing partner Winrock International, conducted training for the police, labour inspectors, investigators and other officials on issues of Child Labour and Human Trafficking. Over the period of October 26 - 28, 2018, one such training was held at the Jamaica Pegasus Hotel and approximately twenty-five (25) members of staff from the MLSS, JCF, Department of Corrections, CPFSA and the Office of the Children's Advocate participated. Persons were introduced to laws and policies which treat with issues of Human Trafficking and Child Labour.

European Union (EU)

Jamaica, Haiti and the Dominican Republic are set to benefit from the Multi-Country Border Security Programme (MCBSP) under the 11th EDF Caribbean Regional Indicative Programme (2014-2020) within the focal area of Crime and Security. Undoubtedly, this should bolster Jamaica's efforts to treat with probable instances of the trafficking of victims both into and out of Jamaica.

ISPCAN/OCA Conference – The Youth Forum

- The International Society for the Prevention of Child Abuse and Neglect (ISPCAN),

partnering with Jamaica's Office of the Children's Advocate (OCA) hosted the second multi-disciplinary Regional Caribbean Conference at The Hilton Rose Hall Resort & Spa in Montego Bay, Jamaica over the period of December 1 - 5, 2018. The conference theme was Child Protection Realities within a Changing Caribbean & World and it featured a wide range of both local and international speakers.

- The Youth Forum was specially arranged to allow Jamaican youth from different social backgrounds, geographic locations, financial standing and levels of education to connect with each other and to discuss the topic of Human Trafficking and Sex Tourism, with specific focus on how these issues impacted Jamaica. While it was mostly interactive, presentations were made by stakeholder representatives on the prevalence of Human Trafficking as well as the investigation and prosecution of TIP matters so that the youth could be sensitized about the landscape. ONRTIP had heavy involvement in the planning and execution of this youth forum.
- Participants were given the task of examining critical issues relating to the Trafficking of Children, specifically sex tourism - its prevalence and societal implications, and to identify preventative mechanisms which could be adapted to prevent its occurrence. Actions plans, as outlined below, were developed to combat Human Trafficking and Sex Tourism at the community level. These were also shared with the full conference at plenary.

Group 1 - Kingston & St. Andrew and St. Catherine

Objectives

1. Increase awareness on the issues of Human Trafficking and child sex tourism thereby hoping to develop a mechanism of prevention.

2. Challenge aspects of our culture which are detrimental to children (such as how we discipline & gender norms).
3. Undertake direct interventions in communities.

Please see Appendix 1 for Group One's Action Plan



Group 2- Manchester, Clarendon and Westmoreland

Objectives

1. To create public awareness about the crimes and circumstances of Human Trafficking and Child Sex Tourism
2. To establish community based Anti-Human Trafficking (and child sex tourism) Youth Groups
3. To incorporate anti-human trafficking (and child sex tourism) school programmes

Please see Appendix 2 for Group Two's Action Plan

US/Jamaica Child Protection Compact

The GOJ and the Government of the USA signed the Child Protection Compact in May of 2018. **This very significant partnership made Jamaica the fourth country in history to enter into a Child Protection Compact (CPC) with the United States of America**, following Ghana, Peru and The Philippines. Under this Partnership Jamaica has access to US\$5 Million²⁵ in foreign assistance towards a three (3) year implementation plan. A vigorous selection

process was undertaken by the United States government which resulted in three (3) implementing partners being selected to achieve different objectives which seek to strengthen the country's capacity to address and eradicate all forms of Child Trafficking in Jamaica.

Who are the Implementing Partners?

1. International Organization for Migration (IOM)

Partner was granted US\$600,000 to address, among other things, research in the area of Child Sex Trafficking in Jamaica.

2. The WARNATH Group

Partner was granted US\$1.3 million to address Objective 1 of the CPC which seeks to increase the number of victim-centred investigations, prosecutions and convictions in Child Trafficking cases.

3. WINROCK International

Partner was granted US\$3.1 Million to address Objective(s) 2 & 3 of the CPC. Objective 2 aims to strengthen the government and civil society's capacity to identify and provide comprehensive services to more victims of Child Trafficking, from identification through protective care, community reintegration and long-term follow-up services; while Objective 3 seeks to increase efforts to prevent Child Trafficking, including through developing and strengthening community-based mechanisms.

Of the three (3) entities, ONRTIP enjoys the closest working relationship with the WARNATH Group and there are various research-based initiatives and resource driven collaborations which are well underway as a result of WARNATH's direct support. The ONRTIP finds the interface with WARNATH both beneficial and substantive and remains deeply optimistic about the end value that the joint association will produce²⁶.

²⁵ This marked an increase of US\$500,000 as the original amount that was ear-marked was US\$4.5 Million

²⁶ In a subsequent reporting period, the results of some of these efforts will very likely be ready for inclusion.



CHAPTER 6:

Trends & Emerging Challenges

Trends & Challenges

Trafficking in Persons is one of the greatest human rights' challenges of our time. The problem is further fueled by the fact that it is rooted in some of society's age-old ills such as the demand for prostitution, labour exploitation and the sexualisation of children. Coupled with this, is the modernization of criminal efforts such as the anonymity of the internet and society's lack of awareness and full understanding about the issue of Human Trafficking.

From interviews conducted with stakeholders in ONRTIP's 2018 *Situational Analysis of Human Trafficking in Jamaica* and its 2019 *Stakeholder Assessments*, several trends and challenges have been observed. These will be looked at in more detail in *Part 1* of this Chapter. In *Part 2* we will examine the reported plight of Jamaican farm workers in Overseas Employment Programmes, with specific focus on the US and Canadian Farm Work Programmes. *Part 3* will explore the issue of Human Smuggling and whether it poses a challenge for Jamaica.

Part 1: ONRTIP's Observations

AIRBnB

The Airbnb concept has burgeoned on the global scene and has become a very attractive and cost-efficient means of securing accommodation. Jamaicans have embraced the concept at the individual level as it provides additional source(s) of income for those who have accommodation that they can place on the market. At the governmental level as well, the Ministry of Tourism has gone on record to publicly endorse local Airbnb operations as it serves to bolster the diversity of accommodation and the number of visitors to our island. With this opportunity, however,

comes a challenge as Airbnb functions almost exclusively on online platforms. It can provide readily available accommodations, without the creation of very detailed guest information and can, therefore, provide an effective avenue that can be easily abused and manipulated by human traffickers in the concealment of (potential) victims.

Missing Children

There currently exists no concrete evidence which **confirms** that all (or many) children who are reported as missing in Jamaica are in fact children who end up being victims of Human Trafficking. While this is so, however, there is no solid evidence which can conclusively dismiss rife speculation that some (or many) of these children do end up being trafficked. In trafficking cases that were reported between 2013 and 2016, very few victims of Child Trafficking had been previously reported as being missing. If a case of Child Trafficking did in fact feature children who had previously been reported as missing, this never occurred in the same year or even in consecutive years, hence the JCF's TIP Unit doubts that any trend exists in this regard. It is to be noted, however, that three (3) of the five (5) Human Trafficking cases in 2017 involved runaways. As a consequence, ONRTIP maintains that it is worth re-examining whether any correlation whatsoever exists between the number of runaway/missing children and the number of Child Trafficking cases.

Online Recruitment of Victims:

Globally, there is an increased use of online platforms to include social media, for the recruitment of victims. This is especially true in relation to the recruitment of females who are targeted for sexual exploitation. Local cases have been identified in which young women and girls are recruited via Facebook, then

sexually exploited through forced prostitution and/or pornography. From the Jamaican experience, these cases are namely, [R. v. Scott](#) and [R. v. Watson](#). Evidence of this method of recruitment has also surfaced in relation to employment opportunities (with deceptive benefits) being advertised online and serving as an entry point into various forms of labour exploitation. As a result of this reality, public education campaigns run by the government should be tailored so as to provide practical tips to vulnerable groups on how to safely use the internet and various social media interfaces. The Office of the Children's Advocate (OCA), a Commission of the Jamaican parliament, has sought to commence this dialogue through its social media awareness campaign which is dubbed [Be Social . . . Be Smart](#). This campaign which was launched by the OCA in 2016 and is ongoing, saw the team engaging with students all across Jamaica, both at the primary and secondary school level(s). The gains realized in the campaign, were cemented through the provision of funding support from UNICEF (Jamaica) which enabled the OCA to create four (4) publications – (i) research findings on how children in Jamaica use the internet and social media; (ii) social media cartoon and tips with mascots Sam & Sally Social for children under 12; (iii) social media usage by teenagers and advice on how to safely navigate social media & the internet for teenagers; (iv) social media literacy and guidance for adults on how to culture responsible social media habits in children. These manuals are quite instructive and can be found at www.welcome.oca.gov.jm

[Traffickers' use of Crypto Currencies](#)

In a 2017 news article entitled *Jamaican Traffickers Turning to Bitcoin to Mask Trail*, DSP Carl Berry of the JCF's TIP Unit, pointed to a worrying trend which involved the use of crypto currencies by traffickers. Crypto currencies, such as Bitcoin, are

virtual currencies designed to be used as a medium of exchange, independent of a bank. These currencies are typically used in apps in virtual/cyberspace and can best be described as a digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds. DSP Berry explained that the problem is further compounded by the use of such currency on the Dark Web, which hides the identity of the individual purchasing the services of the enslaved or the potential victim of Human Trafficking. He asserted, however, that the police were crafting strategies to follow the money trail of traffickers and urged the banking sector to collaborate with law enforcement on this initiative.

[Forced Criminality](#)

Jamaica has a high incidence of violent crimes and over time, criminal statistics have shown that the existence of gangs in various parts of the country, is a strong contributor to this situation. Gang violence can be blamed for reprisal killings, various types of organized crime to include extortion, drugs and arms trafficking and other types of criminality. Increasingly, many gangs recruit youngsters (including a high percentage of boys under 18 years) to become members and to pursue a life of crime. In some instances, these boys are manipulated into this lifestyle because of the power structure of the gang in question as well as the weak protective (family) structures that make them more vulnerable to this kind of negative involvement. While forced criminality is not recognized in Jamaica as a category of Human Trafficking, it has been so categorized in other jurisdictions such as the United Kingdom, and is a trend that may be worthwhile monitoring within the Jamaican context. The National Rapporteur has made the call for possible legislative amendment(s) which recognize forced criminality as a form of Human Trafficking locally.

Massage Parlours

Members of the A-TIP-IP Vice Squad have noted that many massage parlours have gone underground and have become increasingly sophisticated in their operations. Typically, a single entry fee would have previously allowed police officers to gain access to the entire massage parlour; as their operations have evolved, however, massage parlours now consist of areas with reserved exclusive access for recognized patrons of their 'private parties'. This trend poses a serious challenge for the Vice Squad, as it has become more difficult for police to enter the spaces in which they would traditionally conduct raids and under-cover operations.

The Strip Club Scene

Members of the A-TIP-IP Vice Squad are concerned that they can no longer differentiate a patron of a club from a sex worker within that club. In previous years, club workers were skimpily dressed and danced on poles, and were therefore easily identifiable. The Vice Squad could then ask for information about their employer(s) and request to see their work permit(s). These go-go clubs as they are colloquially referred to, have since transformed. Today, they mimic casual bar settings where sex workers and patrons are many times indistinguishable.

Women Traffickers: The stereotype that only males are traffickers does not reflect the realities of today's society. Women are gradually assuming a more domineering role in the trafficking of persons. Whilst men are predominantly held to be guilty of perpetrating the crime of Human Trafficking, in recent time females have also assumed a dominant role. Jamaica has obtained seven (7) Human Trafficking convictions to date, and of those cases, three (3) cases involved women being found guilty of the crime. The table below shows the number of males and females charged with Human Trafficking for the period 2010 - 2017. In some cases, females were jointly charged with their male counterparts. In 2012 and 2013, there were more females charged for trafficking than men. The data shows that 2013 had the highest number of females being charged when compared to their male counterparts. The majority of the cases featuring women as traffickers, involved sexual exploitation of women and girls. In light of this finding, it is critical for the relevant stakeholders to intensify awareness raising campaigns, especially those that target children, to warn them of the potential danger and to be wary of females who can also be potential recruiters/traffickers. In other words, it is a myth that only men are human traffickers.

Table 27: Number of Male vs Female Traffickers

Year	Number of Female Traffickers	Number of Male Traffickers
2010	1	1
2011	0	1
2012	2	1
2013	3	1
2014	0	2
2015	1	2
2016	0	1
2017	2	2

Foreign Trafficked Nationals: As a destination country for the occurrence of Trafficking in Persons, Jamaica has received trafficked victims from diverse regions of the world. In recent time, some traffickers have been deliberate when selecting the purpose for which their victims are exploited. For instance, it was observed that traffickers have recruited, transported and exploited their victims who are foreign nationals by ONLY offering sexual services to individuals of their same nationality. As such, if the victim is Indian or Chinese, for example, they would only have sex with foreign nationals of the same race, respectively.

Child Rental Schemes – An Emerging Form of Human Trafficking in Jamaica: It has been a rather common occurrence in which young mothers are observed standing with babies at various ATM machines in Jamaica, (and other places), soliciting passers-by for money. The often told story is that the cash is needed to assist a sick child or simply to purchase the next meal. However, with the recent nabbing of two women fingered in a child rental scheme in St. Ann's Bay, one has to now question whether these sightings are legitimate situations of dire need or a thriving human trafficking scheme. Both women (originally from St. Catherine addresses) were charged for renting each of the babies whom they had in their company - a one-year-old girl and an eight-month-old baby boy to aid them in begging money from passers-by. Following further investigations, it was borne out that the accused women were not related to the two children; in fact, the biological mother had rented the children for the day to the two accused women. Both women were only charged under the Child Care and Protection Act for the offences of Cruelty to a Child and Unlawful Begging. As previously indicated in this Report, this remains an outstanding issue for the National Rapporteur who is very concerned that this blatant form of Child Trafficking was not in fact captured

and prosecuted as such by the Jamaican authorities. A response to the relevant queries that have been raised with the responsible State agents by the National Rapporteur are still pending. It is critical for stakeholders to remain alert to the various ways in which Human Trafficking can manifest, as well as to sensitize the public about these divergent ways, which include through child rental schemes.

Part 2: Emerging Challenges in Overseas Employment Programmes

In this section of the report, ONRTIP sought to take a closer look at the overseas employment programmes in Jamaica, specifically the US and Canadian Farm Work Programmes, with a view to assess whether challenges and vulnerabilities exist for our Jamaican nationals when they go abroad in the name of opportunity.

Ending the Labour Exploitation of Jamaican Workers – A Closer Look at the US and Canadian Farm Work Programmes: Each year thousands of Jamaican nationals have aspirations of going abroad to earn money to take care of their families and pursue big dreams. Some have dreams of working hard to save money to offset tuition or medical expenses, for others it's to accomplish the elusive dream of owning their own home. Whatever the reason, these individuals leave Jamaica with high hopes that they will achieve favour and success in foreign lands. However, upon reaching their destination, the reality of their circumstances in which they find themselves is sometimes in stark contrast to what they had ever hoped for or imagined. This section of the Report seeks to shed light on the plight of that very unfortunate cohort of Jamaican farmworkers who face less than ideal circumstances when they participate in the Canadian and United States Overseas Employment Programmes.



Background to the Problem

In 1966, the governments of Jamaica and Canada through a bilateral agreement created the Seasonal Agricultural Workers’ Programme (SAWP) and The Low Skill Programme. The Ministry of Labour and Social Security (MLSS), Jamaica administers the programme by recruiting agricultural workers to meet the demand for manual labour in Canada. Jamaican farmworkers perform various tasks on Canadian farms such

as greenhouse crop production, vegetable farming and fruit tree cultivation, among other tasks. The programme is often hailed for helping many poor Jamaicans better their standard of living whilst simultaneously enhancing Canada’s economic growth and development. The table below shows that over the five year period 2015-2019, there has been a steady increase and demand for both male and female Jamaican farmworkers in Canada.

Table 28: Number of Jamaicans participating in the Canadian Seasonal Agricultural Workers’ Programme (SAWP) & Low-Skills Programmes 2015-2019

Year	Male Farmworkers	Female Farmworkers
2019 ²⁷	8995	806
2018	9082	827
2017	8592	728
2016	8207	704
2015	7510	610

The Scenario from the US Perspective

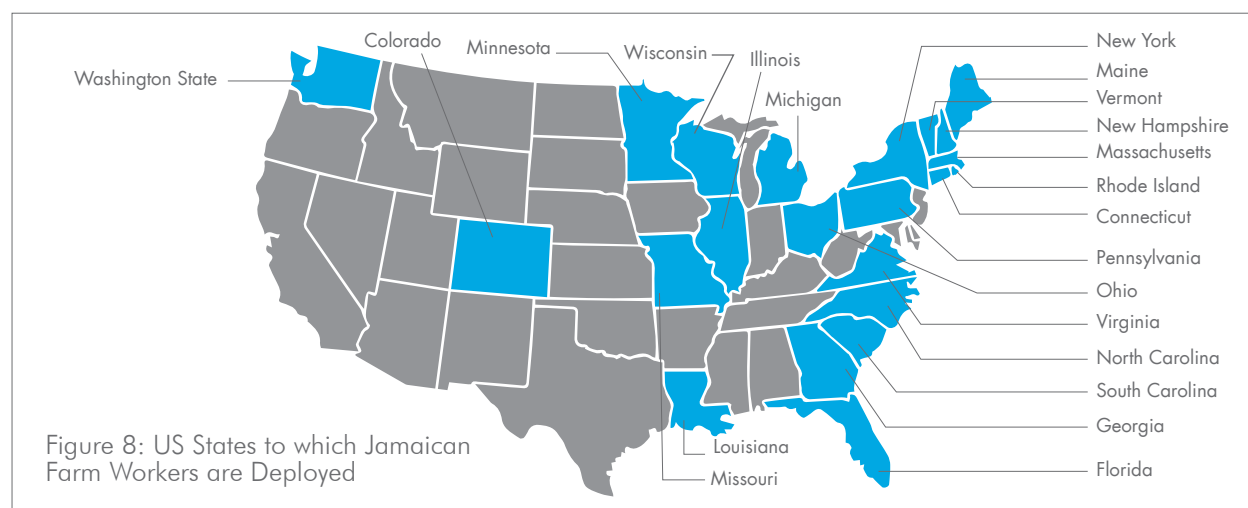
In a bid to address labour shortages in 1943, Jamaica and the United States government established the United States Farm Work Programme. An additional programme which exists between the two countries is the United States Hospitality Programme; both are administered by The Ministry of Labour and Social Security (MLSS), Jamaica. *Under the Farm Work Programme approximately 7,000 Jamaicans male and female workers are dispatched to work on US farms in*

approximately twenty-two (22) different States with another 4,981 Jamaicans sent to work in the US hospitality industry. The US Embassy in Jamaica issues the H-2A and H-2B visas to Jamaicans seeking to participate in overseas employment programmes. Jamaican farm -workers are usually issued with the H-2A agricultural work visa while those working in the hospitality sector are issued with the H-2B visa. None of these visas create a path to citizenship or permanent residence in the United States.

²⁷ These figures are current up to September 2019.

Table 29: Jamaican participants in the United States Farm Work Programme (2015-2019)

Year	Males	Females
2019 ²⁸	5524	862
2018	5851	1107
2017	5725	942
2016	5387	1214
2015	5561	1217



Polaris Project Data on Jamaican Labour Trafficking Victims in the United States

The Polaris Project is a US-based non-profit organization that was established in 2002, to provide direct support to enable trafficking victims to get help and stay safe, as well as to report on the Human Trafficking situation in the United States. The organization also operates the National Human Trafficking Hotline which receives reports of Human Trafficking through text messaging and online chat services, among other modes of communication. This national hotline was established in 2007 and is directly funded by the U.S. Department of Health and Human Services. Since 2007, the national hotline received more than 51,000²⁹ reports of Human Trafficking (mainly for sex and labour trafficking) across the United States.

In a 2018 report entitled Human Trafficking on Temporary Work Visas: A Data Analysis

2015-2017, the Polaris Project sought to expose the challenges of the temporary guest worker programme, which invites thousands of low-skilled workers, to include farm workers, to enter the United States for work in various sectors ranging from the agricultural to the hospitality industry. The Polaris Project in compiling the report examined data from the National Human Trafficking Hotline which pointed to approximately 800 victims of Human Trafficking for the period January 1, 2015 - December 31, 2017. The report noted that,

“nearly half of the victims of labor trafficking reported to the National Hotline during this period whose immigration status was identified were foreign nationals holding legal visas.”³⁰

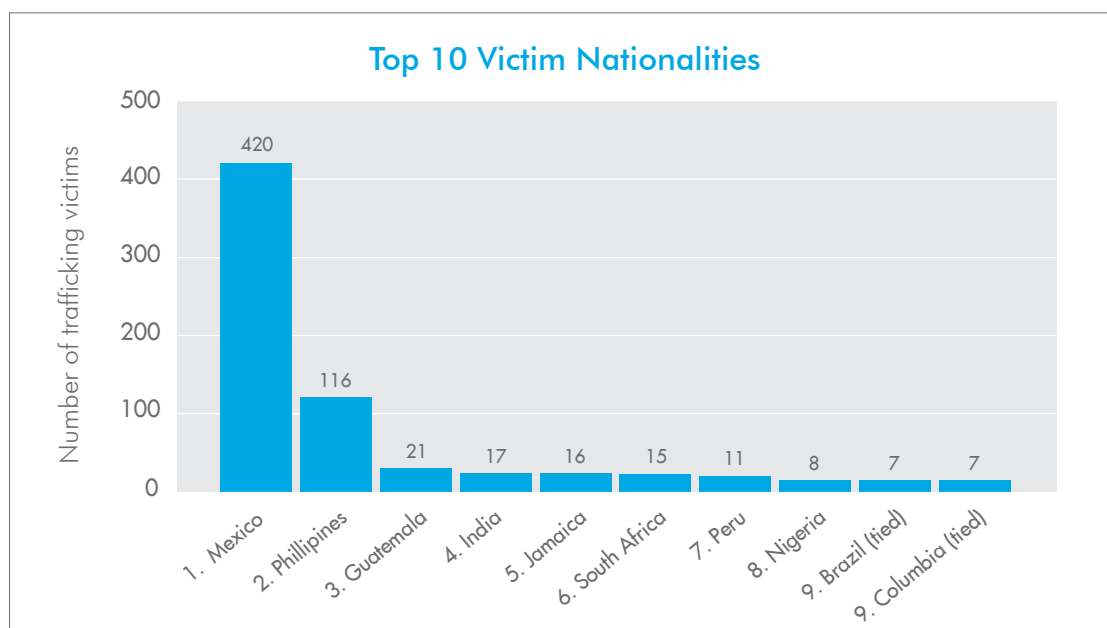
Chart 6 shows Jamaica being ranked fifth among the top ten nationalities identified as victims of Human Trafficking on the Temporary Guest Worker Program in the United States:

²⁸ These figures are current up to September 2019.

²⁹ Polaris Project. (2018). Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017. Retrieved from https://humantraffickinghotline.org/sites/default/files/Polaris_National_Hotline_2018_Statistics_Fact_Sheet.pdf

³⁰ Ibid.

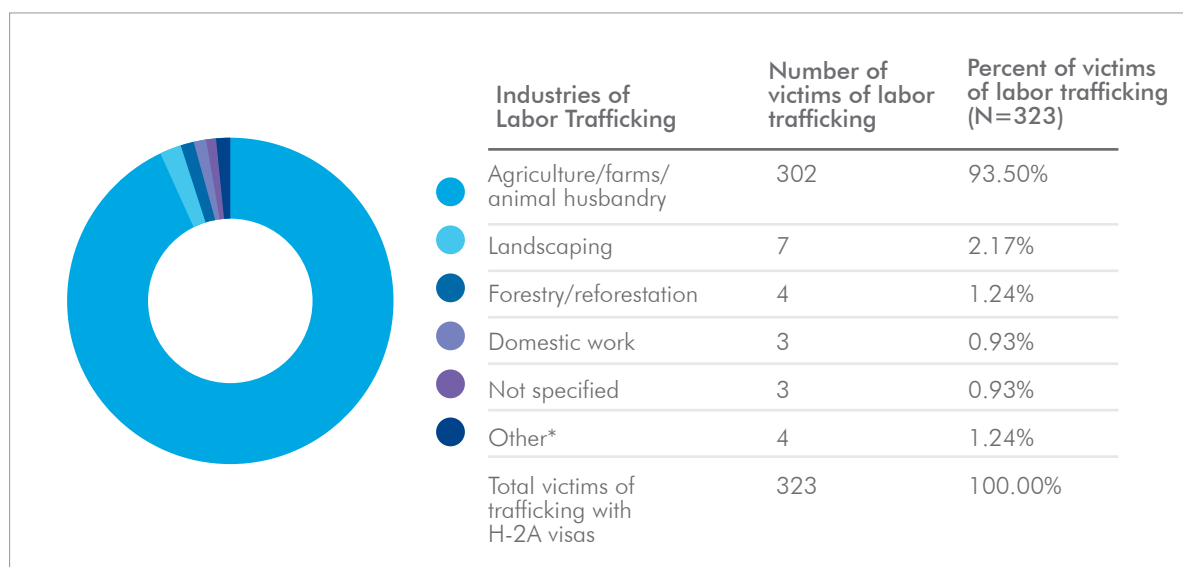
Chart 8: Top 10 Victim Nationalities



Source: Polaris Project (2018)

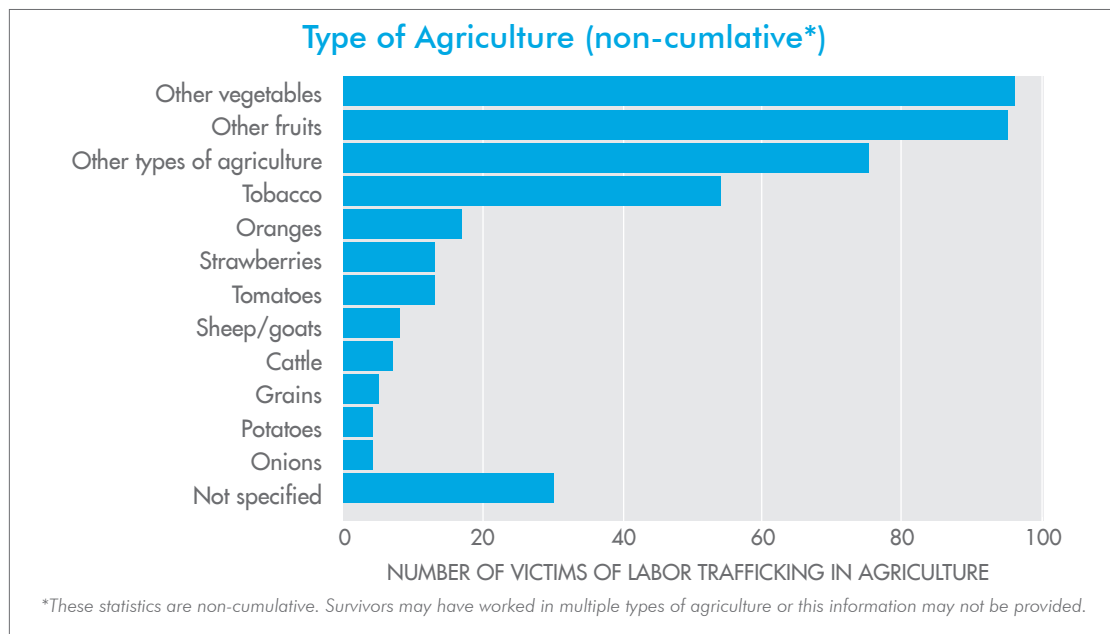
According to Polaris many guest workers become victims of Human Trafficking, particularly in the form of forced labour. The report identified 302 victims of labour trafficking who were employed in the agriculture sector, cultivating fruits, vegetables, livestock and a host of other crops.

Chart 9: Industries of Labor Trafficking



Source: Polaris Project (2018)

Chart 10: Type of Agriculture (non-cumulative*)



Source: Polaris Project (2018)

Chart 11: Nationalities of H-2B victims of trafficking



Source: Polaris Project (2018)

The chart above shows that Jamaica registered the third highest number of trafficking victims in the United States holding H-2B visas. Jamaican workers holding H-2B visas typically worked in the hospitality sector.

"The crux of the problem is that the structural conditions embedded in the temporary guest worker programs (as well as the structures that

apply to less regulated, undocumented labor markets) are wedded to common employer-side incentives to maximize profit by reducing labor costs in a way that too often results in abuse and even trafficking. At the heart of the related controversy is whether guest worker programs respond to real, temporary labor shortages, or if they are being misused to further that profit motive. Worker rights

advocates have shown that bad actors can easily game the system in order to fill jobs with foreign-born temporary workers who will do the work for far less money and in less desirable working conditions than American-born workers.”

Excerpt from the Polaris Project Report entitled *Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017*.

The Dilemma of Jamaican Farm Workers: Injuries, Death and Medical Repatriation

For more than half a century, thousands of Jamaican farm workers have been sent to Canada and the United States annually through the Seasonal Agricultural Workers' Programme. To date, there is no local research to provide any extensive insight into the experiences of these farm workers and the various challenges they face while participating in these overseas employment programmes. However, a 2014 study conducted by the Canadian Medical Association shows that injuries received by migrant farm workers “are likely directly related to agricultural work, and migrant farm workers are considered to be in the workplace even when at their place of residence in Canada or in transit between their farming activities and residence.” The data further suggested that between 2001 and 2011, more than 700 migrant farm

workers in Ontario, Canada had their contracts terminated and were repatriated to their countries on medical grounds.

Furthermore, a Canadian NGO group named Justicia for Migrant Workers, emphasized the need for farm workers to have access to proper health care coverage and the organization has actively advocated for the rights of migrant workers. According to Chris Ramsaroop, a representative of [Justicia for Migrant Workers](#),

“. . . I consider this (Seasonal Agricultural Workers' Programme) an apartheid system. Migrant workers live and work under a different set of legal rights and obligations than we do. We [Canadians] are not denied basic human rights; we are not denied health care. They are seen as disposable and temporary.”³⁹

In addition, a Canadian news agency reported the story of a Jamaican farm worker who died as a result of severe head injuries that he suffered while working on a farm in Canada. The news article pointed out that the farm worker's family was being pressured by the Liaison Officer to repatriate him to Jamaica, a move that would have resulted in the loss of his work visa and subsequent loss of health care coverage. The family believes the Farm Workers Programme “stripped him of his labour rights after he was hurt, then tried to cut off his access to health care.”

Table 30: Jamaican Farm Workers suffering Injury or Death in Canada and the United States

	2015		2016		2017		2018	
	Injured	Deceased	Injured	Deceased	Injured	Deceased	Injured	Deceased
Canada	20	2	25	-	23	-	13	-
United States	8	-	9	3	8	3	9	3
TOTALS	28	2	34	3	31	3	22	3

Source: Ministry of Labor and Social Security, Overseas Employment Family Services (2019)

³¹ Rosa Marchitelli. “Migrant worker program called ‘worse than slavery’ after injured participants sent home without treatment,” May 16, 2016, CBC News, <https://www.cbc.ca/news/canada/jamaican-farm-worker-sent-home-in-a-casket-1.3577643>.

The above table highlights the number of farm worker deaths and injuries over the period 2015-2018. A total of eleven (11) workers have died over the four year period in both the United States and Canada, with an average of three (3) workers dying yearly in the United States as a result of farm work related injuries. Moreover, a total of 115 workers have suffered injuries in both the USA and Canada during the period under review. The data shows a gradual decrease in the number of farm worker injuries in Canada, with the highest recorded number of injuries in 2016 and the lowest in 2018. In addition, Canada experienced two (2) farm worker deaths over the four year period.

With regard to farm worker injuries in the United States, the figures have remained flat over the 2015 - 2018 period, with an average of eight (8) farm workers suffering injury each year. An additional feature which the data shows is that Canadian Farm Workers are more prone to injuries when compared with their U.S. counterparts. The US has a higher rate of fatal farm worker related injuries in comparison to Canada's rate.

Dangers faced by Jamaican Farm Workers on Overseas Employment Programmes

The Planning Institute of Jamaica (PIOJ) in its recently developed *Migration Profile for Jamaica* pointed out that,

*"Some Jamaicans emigrate on short-term labour contracts through government managed programmes with the USA and Canada for work in agriculture and the hospitality industry. Trafficking in Persons is also usually circulatory and the migration itself occurs within legal channels, but the exploitative conditions with which it is associated contravene human rights."*³²

Along this same vein, the National Rapporteur in her first report to parliament in 2018 highlighted the findings of the Auditor General in her 2015/2016 assessment of the Jamaica Liaison Service and its interface with Jamaican workers in the farm and factory sectors. The Rapporteur underscored the need for sensitization sessions with these workers destined for overseas deployment in which the issue of Human Trafficking was specifically addressed prior to their departure from the island. She also recommended that the number of Liaison Officers be made more proportionate to the number of work sites in which Jamaican workers were placed and advocated for a more vigilant monitoring system to be implemented and observed by these Officers.

Consequent upon this, it is imperative that the government of Jamaica takes effective steps toward eliminating the barriers that contribute to injuries, death and the overall vulnerability of Jamaican farm workers to exploitation and human trafficking. The following are some of the challenges faced by migrant workers on overseas employment programmes:

1. **Lack of safety in the workplace:** There have been several publicized local and international reports of Jamaican farm workers involved in work place accidents on Overseas Employment Programmes. Many workers suffer serious physical harm while others have died as a result of their injuries.
2. **Lack of quality health care coverage:** Injured farm workers are reportedly often discarded by their employers whenever they suffer injury and are unable to perform their duties.³³ Workers often lack relevant information regarding health benefits, services and legal protections. The high cost of medical care has also posed an additional challenge in accessing quality health care for farm workers.

³² Migration in Jamaica: Country Profile 2010. International Organization for Migration. https://www.pioj.gov.jm/portals/0/social_sector/iom-migrationinjamaica2010_final_311012.pdf.

³³ <http://cmajopen.ca/content/2/3/E192.full.pdf>. Page E193.

3. **Poor housing, living and working conditions:** Farm workers sometimes find themselves in housing that is poorly furnished, without proper sanitation and overcrowded. Some workers develop various illnesses as a result of exposure to harsh weather and pesticides.³⁴
4. **Prone to injuries:** Farm workers oftentimes work very long hours which can exacerbate injuries and/or health conditions.
5. **Barriers to Language:** Farm workers encounter language and communication barriers which prevent them from accessing information on health and safety and understanding legal terms and obligations of employers within their employment contracts.
6. **Reprisals:** It has been alleged that workers often suffer reprisals on account of reporting health challenges or making complaints about poor working and living conditions. Reprisals may take the form of threats of blacklisting or deportation.
7. **Coercion/Threats:** Workers reportedly endure threats of harm geared towards coercing them into meeting unreasonable productivity standards or complying with the demands of their employer(s). Some of these cases are clearly identified as labour trafficking based on the domestic legislation of the receiving country.³⁵
8. **Isolation:** Farm workers are said to be often placed on farms in remote locations where transportation services

are limited or non-existent. According to one American researcher, participants in the H-2A Farm Workers Programme are constant victims of abuse, furthermore,

*“Employers are required to provide housing to workers with an H2A visa and report the location of H2A housing to the appropriate authorities; however the directions are often inaccurate and difficult to follow. These hidden housing locations are a risk factor for labour trafficking.”*³⁶

9. **Restrictions:** Some farm workers experience restrictions to their freedom of movement in the workplace and housing accommodation provided by their employer.
10. **Inability to change employer:** Farm workers experience a high level of vulnerability to Human Trafficking on account of not being able to change their employer, if they are dissatisfied with the working/living conditions. Moreover in some receiving countries such as the United States, farm workers are required to pay their airfare costs if they leave the job before the end of the contract period.
11. **Poor Labour Enforcement Standards:** Data from various NGO support organizations show that some employers within the host countries are rarely punished for violations of labour laws such as unpaid wages or other contract violations.³⁷

³⁴ Farmworker Justice. Exposed and Ignored: How Pesticides Are Endangering Our Nation’s Farmworkers. Farmworker Justice Report. Farmworker Justice, n.d. Web. 06 Oct. 2013. <https://kresge.org/sites/default/files/Exposed-and-ignored-Farmworker-Justice-KF.pdf>

³⁵ The Trafficking Victims Protection Reauthorization Act (TVPA) of 2000, which is the US legislation that outlaws human trafficking, defines Labor trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102). Coercion can refer to any of the following Coercion: (A) threats of serious harm to or physical restraint against any person; (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (C) the abuse or threatened abuse of the legal process (22 U.S.C. 7102 (3)). Farmworkers are oftentimes threatened with deportation for failing to meet productivity standards or making complaints about the circumstances surrounding their employment.

³⁶ Sarah Southey. Mapping Agricultural Labour Trafficking in Texas. June 19, 2019 <https://delta87.org/2019/06/mapping-agricultural-labour-trafficking-texas/>

³⁷ Daile Costa and Phillip Martin. Temporary labor migration programs: Governance, migrant worker rights, and recommendations for the U.N. Global Compact for Migration. Economic Policy Institute. August 1, 2018.

Recommendations

In light of the foregoing, the following recommendations are being provided in a bid to enhance the safeguards attached to the rights and civil liberties of Jamaican farm workers, while lessening their vulnerability to labour exploitation and/or other forms of Human Trafficking or death while participating in overseas employment schemes.

1. **Advance Negotiations with Host Countries towards Job and Visa Portability.** Farm workers experience a high level of vulnerability to labour exploitation as well as other forms of Human Trafficking due to the inability to change employers whenever a dispute arises or if there is general dissatisfaction with employment terms and conditions. Workers are often afraid to report violations of their rights or make complaints against employers for fear of reprisal and/or deportation. The GOJ should advance discussions with countries receiving farm workers towards conditional employment portability where this becomes reasonable and necessary. This will enable the workers to change employers in the likelihood of grave job dispute(s) or labour and human rights violations.
2. **Utilise Research to Improve Farmworkers' Outcomes.** The Office of the National Rapporteur on Trafficking in Person (ONRTIP) is strategically poised to assist Jamaica in lessening the vulnerability of farm workers to Human Trafficking. This can be achieved through diverse pathways; one such is ONRTIP partnering with the Ministry of Labour and Social Security to conduct interviews with farm workers upon their return to the island to better understand their experiences and challenges as participants in these overseas employment schemes. These interviews will seek to unearth the reasons behind the fatalities and injuries of farm

workers as well as other violations of their rights. Yet another pathway lies in ONRTIP's ability to leverage its relationships with overseas anti-trafficking organizations that provide support for these workers. The findings from these and other interventions could positively impact policy and improve outcomes for future participants in these overseas programmes.

3. **Employ Foreign Trained Lawyers to Advocate for Workers Rights in Host Countries.** The Ministry of Labour and Social Security should seek to engage American and Canadian trained lawyers who are able to master the labour laws in host countries and advocate on behalf of Jamaican farm workers on issues related to workers' compensation claims, minimum wage and overtime, as well as occupational health and safety standards.
4. **Advance Negotiations towards a pathway for Citizenship or Permanent Residence for Jamaican Guest and Farm Workers.** Both the United States and Canada have developed migration policies and programmes that create a pathway for citizenship or permanent residence for skilled and professional workers. Currently, these policies do not apply to farm workers who contribute significantly to the economic growth and development of these countries. In a bid to lessen the vulnerability of Jamaican workers to exploitation and Human Trafficking, the GOJ should strongly consider brokering discussions with foreign governments requiring the services of local workers, on enabling Jamaicans to have access to permanent immigration status by virtue of their participation in overseas employment programmes, should they so desire, once they meet the conditions which may be stipulated.

5. **Liaise with Governments in host countries to Share Information about “Bad Employers.”** Given the pervasive level of injuries, death and allegations of Human Trafficking associated with overseas employment programmes, the GOJ must be proactive in its efforts to protect Jamaicans from abuse and exploitation on guest worker programmes. One way of achieving this is through collecting and sharing information with host countries

about credible negative experiences of participants on overseas employment programmes. The GOJ could also strongly advocate for an employer registration system and a complaints/rating system that workers would use for their employer(s) in host countries. This should ostensibly provide an extra layer of protection for Jamaican workers, while also “weeding out” bad actors.

ONRTIP’s Interview with an Injured Jamaican Farm Worker



Delroy’s Story

(His name and image have been changed to protect his identity.)

In 2017, I left Jamaica for the United States to work on the Farm Work Programme. When I arrived in the United States I realized I had to work from Sunday to Sunday. I had no rest days or weekends off. I had to work like a slave. I felt like I was a slave at this farm. I have been on the programme before, but this was the worst farm I have ever gone to work. I had no breaks for myself; I could only break for lunch.

One day while I was picking apples, the ladder gave way beneath me and I fell to the ground. The supervisor helped me by removing the ladder and taking me to the hospital, where I was treated and released. For several weeks I was unable to work due to swelling from my injuries. I was still at the farm but unable to work. I could not do many things for myself; I could not cook so I had to eat a lot of cup soups. I was left alone most days, as the other farm workers with whom I shared the room had to go to work. I had no one to assist me during those times. At times,

when the farmworkers came home they told me they were too tired to prepare a meal for me. I told this to the Liaison Officer and he said to me “you don’t have any helper.” The bathrooms are outside the housing and in winter I had to go into the cold to use the bathroom. The weather is extremely cold in winter.

I began asking the Liaison Officer about benefits I could receive due to my injuries; however, he told me that in order for me to receive a lump sum payment I have to lose a foot, hand or eye. I told him that I knew the rules and regulations and that I know my rights. The Liaison Officer said to me “Not even lawyer don’t know the rule dem up here.” I went online and found a lawyer and the lawyer began working on my case. Shortly after, I was repatriated to Jamaica. My lawyer helped me to access medical benefits as I was able to return to the US for surgery. However, upon my return to Jamaica from the USA, I was feeling intense pain and the doctor had written on the medical report that everything was alright with me.

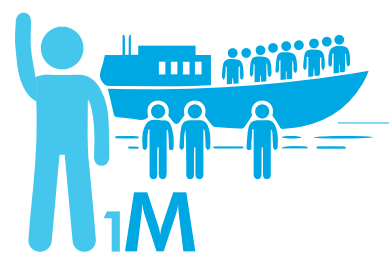
At current, I am unable to walk and I have to

be attending physical therapy twice per week in Jamaica and I have to pay out of pocket. So far I have spent in total, 5500 USD and I am currently unemployed. I don’t have medical insurance. My lawyer helped me to get time loss payments of about 900 dollars every two weeks. However, the time loss benefits stopped earlier this year. My children are not going to school, one of them is very sick and I am unable to pay the doctor bill. My wife had to stop working to look after me because I am unable to move around on my own. Sometimes I don’t have money to buy food and I am unable to pay my bills. I have to be using a crutch to move around.

I haven’t received any type of assistance from the Jamaican government, although my former employer’s lawyer has falsely claimed that I have. The Liaison Officers need to be more supportive of injured farm workers. I wouldn’t recommend anyone to work at the farm where I was injured. The employers there “talk down to you” and when I was injured and came back from the hospital none of the management team came to find out how I was doing.

Part 3: Human Smuggling as an emerging Challenge for Jamaica

Shining the Spotlight on Migrant Smuggling



What is Migrant Smuggling?

Migrant smuggling or human smuggling is a type of irregular migration characterised by the illegal movement of persons across international borders to assume residence elsewhere. *The United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air* also referred to as the *Migrants Protocol*, was entered into force on 28 January, 2004 to prevent and combat the smuggling of migrants, as well as protect their rights as human beings. A major

achievement of this Protocol was that, for the first time, a global international instrument was developed and agreed upon to define the smuggling of migrants. Articles 3(a) and (b) of the *Smuggling of Migrants Protocol* provides:

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.

Common human rights violations associated with smuggled victims involve the person being subjected to threats, varied forms of abuse while in transit, exploitation, torture or death.

The terms Human Trafficking and Human

Smuggling are often conflated and outrightly confused. The two differ in four (4) key areas - the Action, Consent, Transnationality and Purpose. The main differences between Human Trafficking, (to include Child Trafficking) and Human Smuggling are highlighted in the following Table:

Table 31: Comparison between Human Trafficking, Child Trafficking and Human Smuggling

	Human Trafficking	Child Trafficking	Human Smuggling
Victim's Age	Over 18 Years	Below 18 Years	Irrelevant
Action(s)	Recruitment, transportation, transfer, harbouring or receipt of a person by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	Recruitment, transportation, transfer, harbouring, and/or receipt of a child for the purpose of exploitation.	Procurement of illegal entry of a person into a country of which the person is not a national or permanent resident.
Consent	Traffickers exploit their victims at the final destination and/or during the movement to the final destination (if there is movement). Consent may or may not be provided by the victim.	For children, consent is irrelevant regardless of the means.	The smuggled person agrees to be moved from one place to another.
Transnationality	Trafficking occurs regardless of whether the victims are moved within a country or across borders or whether there is no movement whatsoever.	Trafficking occurs regardless of whether the victims are moved within a country or across borders or whether there is no movement whatsoever.	Smuggling always involves crossing country borders
Purpose	Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour c) Slavery and similar practices d) Domestic servitude e) Organ harvesting/removal	Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour c) Slavery and similar practices d) Domestic servitude e) Organ harvesting	For financial or other material benefit

Migrant Smuggling within the Global Context

With an increase in push factors such as natural disasters, armed conflict and poverty, the demand for migration has exceeded the existing capacities for persons to cross international borders legally (IOM, 2018). Due to this constraint, migrants who are not able to justifiably meet immigration requirements to emigrate into other countries, have opted to rely on smugglers' ballooning prices for transportation, accommodation and the provision of fraudulent documents

to get them into their country of destination illegally. Criminals often take advantage of persons seeking a better life as they stand to benefit from high profit margins and relatively low risks of getting caught (Interpol, 2019). The consequences of these illegal operations have often resulted in life-threatening consequences for many migrants. In fact, over the period from 2000 to 2014, IOM estimates that 22,400 persons died trying to reach Europe via the Mediterranean and in the year 2016 alone, 8,057 migrants either died or went missing (IOM, 2018).

Collecting Data on Migrant Smuggling

Like Human Trafficking, migrant smuggling is clandestine in nature, involves low risks of detection and punishment, and reaps large profits which benefit smugglers. As a result of these factors, it is very difficult to capture reliable statistics on the global occurrence of migrant smuggling. The UNDP estimates that there were about 50 million irregular international migrants in the world in the year 2009, but this figure most likely includes many migrants who entered a country legally

and overstayed, and as such, it is not a good indicator of migrant smuggling (UNDP, 2019). A useful indicator, however, involves the number of countries that have ratified the *United Nations Convention against Transnational Organized Crime* and its supplementary protocol, the *Protocol against the Smuggling of Migrants by Land, Sea and Air*. Though useful, it is also important to recognize that the extent to which these countries have implemented their obligations remains difficult to determine and as such, the limitations still persist.



Regional Data on Migrant Smuggling

Europe and Central Asia

Europe has seen an unprecedented increase in irregular migrants since 2014. In 2015, more than **one million irregular migrants arrived in the EU**, which was almost five times higher than the year 2014 (Europol, 2016). Criminals manipulate sea, land and air routes to get migrants into the country. For instance, the primary sea routes involve the eastern, western and central Mediterranean entry pathways (Europol, 2016). Undocumented migrants into Europe have “mostly come from developing countries in Asia and Africa, particularly the Syrian Arab Republic, Pakistan, Afghanistan and Iraq, as well as Senegal, Somalia, Nigeria and Morocco” (IOM, 2018; p 58).

The Americas and the Caribbean

The majority of the data on migration and smuggling from the Caribbean is presented in combination with data on Central America. This was identified at the Peer-to-peer (P2P)

Exchange by participants from the Caribbean as a barrier to effective evidence-based policy-making in the region, as the data on trends in the Caribbean are often distinct from the phenomena in Central America (IOM, 2018; p 49). The United States is considered the most important and ideal destination for migrants in the whole Latin American region, including for those from the Caribbean. Central America tends to function as a transit route for Latin American migrants, who travel by air to cities in the region prior to taking the land route into Mexico and further into the United States. Historically the smuggling route(s) used by migrants from the English-speaking Caribbean can sometimes differ from those used by migrants in the Latin American region. One clear example involves smuggled migrants from Haiti, Jamaica and the Bahamas utilizing boats to enter the United States via Florida.³⁸ Some of these migrants are oftentimes intercepted by the US Coast Guard.

Africa and the Middle East

West and Central Africa are recognized as major source regions for irregular migration

³⁸ See <http://jamaica-gleaner.com/article/caribbean/20190531/jamaicans-among-caribbean-nationals-held-florida-smuggling-attempt>

and hence migrant smuggling. While most travel over land across deserts primarily to Europe and other African States, international flights using false documentation and maritime migration are less common (IOM, 2018: p. 48). All of the countries in West and Central Africa, except Gabon and Chad, have signed the Migrant Smuggling Protocol; however, there is still a scarcity of data concerning smuggling.

Migrant smuggling in East Africa originates primarily from the Horn of Africa, inclusive of Djibouti, Eritrea, Ethiopia and Somalia. The East African Community has now, in turn, become a major transit hub for irregular migration and smuggling networks from the Horn of Africa, while Southern Africa, in particular South Africa, is (together with Europe and the Middle East) one of the primary destinations for migrants coming from the East and Horn of Africa regions (IOM, 2018). *IOM estimates that 17,000-20,000 migrants are smuggled from East Africa and the Horn of Africa into South Africa annually*, in addition to recent migrant flows from South and Southeast Asian countries (IOM, 2018; p. 49).

Asia and the Pacific

With respect to Asia and the Pacific, most of the data collected by inter-governmental organizations is fused with that from East and/or Southeast Asia, obscuring the specificities of information on these phenomena within the region. Generally, Pacific countries are viewed as transit countries for smuggled migrants by air into Australia, New Zealand and the United States, with a high percentage of the smuggled migrants being male (IOM, 2018). Smuggled migrants primarily originate in Asia, with Fiji being a major transit hub, and increasingly Papua New Guinea, and the “smuggling of migrants is predominantly undertaken by air for the Pacific Islands region” (IOM, 2018; p. 50).

Trends in Migrant Smuggling

With the absence of annual global reports on migrant smuggling, official data to establish trends tend to be scarce (Global Migration Data Portal, 2019).

- Europol (2016) highlights that some migrant smugglers rely on social media to advertise their services. These platforms may also be used by smugglers and irregular migrants to share information about developments along the migration routes, including law enforcement activities or changes in procedures. A migrant smuggler’s post on his social media page may advertise the following services:
“The cost of a package with travel from Turkey to Libya by air and onward sea journey from Libya to Italy costs USD 3,700. For the sea journey adults cost USD 1,000. Three children cost USD 500”.
- Recent surveys of policy concerns show that governments are increasingly focusing on irregular migration, including migrant smuggling (UN, 2014).
- Social networks, families, diaspora communities and social media platforms aid smugglers in:
- Raising funds for migrants wishing to resort to smugglers;
- Playing the role of different “actors” in the business model;
- Providing information on the quality of smuggling options;
- Providing documents, transport, housing, employment;
- Facilitating payment systems to support smuggling;
- Facilitating remittances from migrants to families in their country of origin;
- Facilitating integration in country of destination. (IOM, 2018)



More than **90% of migrants are facilitated** to the EU, mostly by criminal networks



A highly **ATTRACTIVE CRIME**: large profits and low risk of detection



MULTIBILLION BUSINESS
Criminal turnover between EUR 3 and 6 billion in 2015

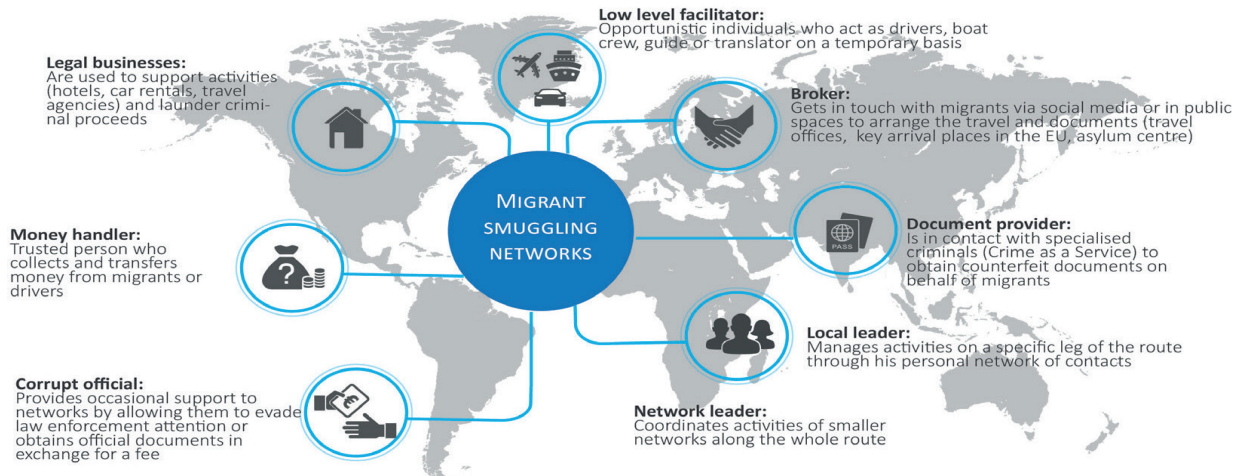


High-quality **DOCUMENTS COUNTERFEITING** is an increasing business for EU criminals

CRIMINAL NETWORKS

The criminal infrastructure of smuggling networks

In 2015 more than 1 million migrants entered the EU. Criminal facilitation services are provided by flexible and loose criminal networks but also by individuals active along the routes and in key transit or destination hubs.



EUROPOL DATA

nearly **40,000** Suspects

12,200 Since 2015

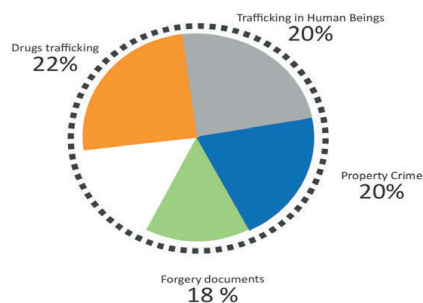
>100 different nationalities

Most common nationalities

Bulgaria, Hungary, Iraq, Kosovo, Pakistan, Poland, Romania, Serbia, Syria, Sweden, Turkey

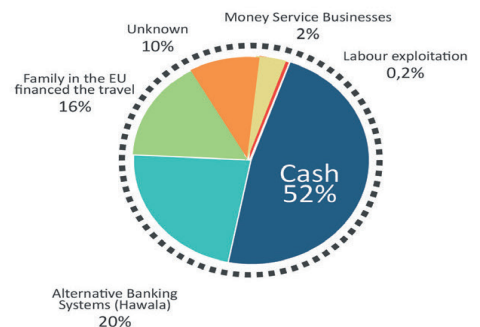
MIGRANT SMUGGLING SUSPECTS' LINKS TO OTHER CRIME AREAS

Source: Europol data 2015



MEANS OF PAYMENT

Source: Europol data 2015



FUTURE EXPECTATIONS

Migration flows will remain high and may further increase in 2016.

Criminal networks will continue to exploit the **high demand for facilitation services**

Small smuggling networks will gradually be taken over by **larger criminal networks**.

A further **diversification of the routes** is expected, **new hotspots** in the EU will emerge.

The demand for **high-quality fraudulent identity and travel documents** will increase.

A potential increase in **abuse of legal systems for the purpose of status regularisation** is expected.

Forced criminality and labour exploitation will increase.

Reducing the opportunities for criminal groups will be the **main challenge** for LEAs.

EUROPOL THANKS EU MS & THIRD PARTNERS FOR THEIR CONTRIBUTIONS

Jamaica and the Migrant Smuggling Dilemma

Due to the inter-connectedness of Human Trafficking and Human Smuggling, the National Rapporteur considers it prudent to explore and capture data relevant to the issue of migrant smuggling in Jamaica. This may very well be the first such initiative of its kind in the island, since Jamaica ratified *The Protocol against the Smuggling of Migrants by Land, Sea and Air*, supplementing the *United Nations Convention against Transnational Organized Crime* in February 2002. The Protocol stipulates that countries should utilise the three 3 Ps framework espoused in the Trafficking Protocols, to prevent human smuggling, protect and support victims, and prosecute smugglers. However, to date, Jamaica has not implemented any comprehensive domestic legislation towards combating migrant smuggling in all its forms, despite a steady influx of migrants to our borders. [The Table overleaf shows that over the four \(4\) year period of 2016 - 2019, there has been a steady increase in the number of foreign nationals who have entered Jamaica illegally.](#) Currently, cases with a migrant smuggling component are prosecuted as illegal entry - a violation of Section 31 of the Immigration Restriction and Commonwealth Citizens (IRCC) Act, 1946 which provides,

Any person who:

- (a) for the purpose of entering the Island, or of remaining therein, in contravention of this Act or any other enactment, or of assisting any other person so to enter or so to remain, fabricates or falsifies any passport, certificate or other document, or utters, uses, or attempts to use, any passport, certificate or other document which has not been issued by lawful authority or which though issued by lawful authority he is not entitled to use, or any fabricated or falsified passport, certificate or other document, knowing it

to be fabricated or falsified; or

- (b) makes a statement which to his knowledge is untrue in a declaration required to be made by an applicant for the issue of a passport or of a certificate of identity; or
- (c) obstructs, hinders or opposes any immigration officer or constable in the execution of his duty under this Act; or
- (d) without lawful excuse knowingly harbours or conceals any other person who is within the Island in contravention of the terms of this Act, or who having entered the Island in pursuance of leave granted as hereinbefore provided, has wilfully failed to observe any condition attached to the grant of such leave; or
- (e) fails to comply with or contravenes the conditions under which leave to land or remain in the Island has been granted to him or under which any certificate or other document has been issued to him under this Act; or
- (f) being a prohibited immigrant, lands in the Island without previously obtaining leave of an immigration officer as hereinbefore provided, shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding Ten Thousand Dollars or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

Moreover, the IRCC makes no provision for protection and assistance measures to be afforded to smuggled migrants or illegal entrants, especially vulnerable groups such as women and children. This represents a significant gap that must be addressed either by enacting comprehensive anti-smuggling legislation or amending current law(s).

Table 32: Number of Suspected Cases of Illegal Entry of Foreign Nationals into Jamaica: 2016-2019

Years	Number of Suspected Cases of Illegal Entry of Foreign Nationals into Jamaica
2016	17
2017	05
2018	30
2019 ³⁹	43
Totals	95

Source: Deportation Unit, PICA

The differences between migrant smuggling and trafficking are not always obvious. Consequent upon this, the proper screening of smuggled migrants into Jamaica must be an equally important step in our country's anti-trafficking operational protocols, to prevent from penalizing potential victims of trafficking. This is critical, since smuggling can be a precursor to trafficking and human smugglers and traffickers often utilise similar migration corridors. Indeed, the data in Table 33 (below) shows a stark similarity in the nationality of persons entering Jamaica illegally and those that have been identified as victims of trafficking within our borders.

Further disaggregation of this data is crucial to gain a better understanding of the push and

pull factors contributing to this phenomenon and to devise effective strategies to combat the illegal entry of migrants. The data shows an influx of illegal migrants from countries such as Haiti, Honduras, Nicaragua, Costa Rica, and Bahamas entering our shores. In the past, Jamaica has identified trafficking victims from Haiti, Honduras and the Bahamas. Furthermore, women and children are usually present among smuggled migrants and are susceptible to sexual and labour exploitation and abuse, by both traffickers and smugglers alike. It is important to recall that Jamaica successfully prosecuted a trafficking case involving a Haitian child who was smuggled into the country by boat and who subsequently became a victim of Human Trafficking.

Table 33: Nationality of Foreign Nationals entering Jamaica Illegally: 2016-2019

Country of Origin/ Nationality of Victim	2016	2017	2018	2019
Haitian	03	02	09	20
Honduran	0	0	0	3
Cuban	2	0	4	0
Nicaraguan	2	1	1	7
Costa Ricans	8	0	11	3
Bahamians	2	1	2	4
Americans	0	1	0	1
Serbians	0	0	0	1
Dominican Republic	0	0	0	4
British	0	0	2	0
Sri Lankans	0	0	1	0
Totals	17	5	30	43

³⁹ The data for 2019 covers the period January to September 2019.

Table 34 shows that approximately 100 Jamaican nationals have entered other countries illegally on a yearly basis. While local data was not accessible to indicate the countries into which our Jamaican citizens have illegally entered, information from the US State Department TIP Report has been instructive. The 2016 - 2019 TIP Report(s) asserted that undocumented Jamaican immigrants were susceptible to sex trafficking and forced labour in Barbados, Antigua & Barbuda, Curacao and the Turks & Caicos Islands. The term undocumented usually refers to migrants with irregular status - such as trafficked persons, smuggled persons, economic migrants and certain sub-groups of migrant workers, labour migrants and

asylum seekers. It is important to point out that undocumented does not necessarily connote illegal entry or smuggling, since Jamaicans could have entered these countries legally but remained after their visas or other immigration documents expired. The report noted that five (5) Jamaican adult female victims of sex trafficking were identified in Antigua in 2019, compared to six (6) in 2018, and four (4) in 2016. Curacao identified one (1) undocumented Jamaican who was a potential TIP victim in 2019. Barbados identified seven (7) undocumented Jamaican adult female victims of sexual exploitation in 2017 and nine (9) adult female victims in 2016.

Table 34: Number of Suspected Cases of Illegal Entry of Jamaican Nationals into Foreign Countries: 2016-2019

Years	Number of Suspected Cases of Illegal Entry of Jamaicans into Foreign Countries
2016	109
2017	100
2018	106
2019 ⁴⁰	84
Totals	399

Source: Deportation Unit, PICA (2019)

Recommendations to Combat Migrant Smuggling in Jamaica

The following are recommendations to assist the GOJ in combating migrant smuggling in Jamaica:

- Enact new legislation or revise aspects of the domestic legal framework to treat with migrant smuggling. These legislative reforms should be consistent with the principles outlined in the various Palermo Protocols and other relevant local and international best practice principles and standards. Mainly, the 3 Ps framework to

prevent human smuggling in Jamaica, to protect vulnerable groups, and to punish perpetrators to the full extent of the law is to be utilized;

- Provide consistent training and information on migrant smuggling to relevant stakeholders including prosecutors, judges, police officers, labour inspectors and medical personnel;
- Develop and implement proper screening tools and protocols to identify smuggled people and trafficking victims who may be comingled with smuggled people;

⁴⁰ The data for 2019 covers the period January to September 2019.

- Establish bilateral and multilateral partnerships to promote cross border cooperation for intelligence gathering, data collection and sharing;
- Provide trauma-informed and victim-centred services, through coordination and collaboration with multi-disciplinary service providers;
- Develop and implement robust data collection mechanisms on migrant smuggling to inform evidence-based policy making and to minimize the growth of vulnerable cohorts within the Jamaican population which may become a predisposed repository for potential

victims of Human Trafficking. There is incontrovertible evidence all over the world, that where vulnerable populations exist, they provide an enabling environment in which Human Trafficking thrives.

Resources to Aid in the Development of Jamaica's Anti-Human Smuggling Legislation

The table below showcases a list of tools and resources that should prove useful to the GOJ in the development of a robust domestic legal framework, along with protocols and procedures to combat human smuggling in all its forms.

Table 35: List of GoJ Resources for Robust Domestic Legal Framework

Resources	Information Provided
Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons	A guide for technocrats and policy makers on how to implement international legal obligations to criminalize migrant smuggling at the national level. https://www.baliprocess.net/UserFiles/baliprocess/File/Bali%20Process%20-%20Policy%20Guide%20on%20Criminalizing%20Migrant%20Smuggling.pdf
How Should Migrant Smuggling be Confronted?	This paper provides a taxonomy of strategies to counter migrant smuggling https://caribbeanmigration.org/sites/default/files/repository/how_should_migrant_smuggling_be_confronted_iom_2017.pdf
Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward	This research study tackles the difficulties faced by ACP-EU Migration in relation to Human Trafficking and Human Smuggling https://publications.iom.int/books/trafficking-human-beings-and-smuggling-migrants-acp-countries-key-challenges-and-ways-forward
Smuggling of migrants into, through and from North Africa	A research study providing insights on human smuggling routes in North Africa and the profile of the smugglers. https://www.unodc.org/documents/human-trafficking/Migrant_smuggling_in_North_Africa_June_2010_ebook_E_09-87293.pdf
IOM's Comprehensive Approach To Counter Migrant Smuggling	A brochure detailing IOM's strategy to combat migrant smuggling based on direct assistance to migrants and building capacities within States https://caribbeanmigration.org/sites/default/files/repository/iom-approach-to-counter-migrant-smuggling-brochure.pdf
Compliance Indicators For State Commitments: Acquired under the Protocol against the Smuggling of Migrants by Land, Sea and Air, which compliments the Convention against Trans-National Organized Crime	A guide for evaluating compliance with the <i>Protocol against the Smuggling of Migrants by Land, Sea and Air</i> , which compliments the <i>Convention against Trans-National Organized Crime</i> . https://caribbeanmigration.org/sites/default/files/repository/compliance_indicators_for_state_commitments_acquired_under_the_protocol_against_the_smuggling_of_migrants_by_land_sea_and_air.pdf



CHAPTER 7:

The National Rapporteur's Findings

Evaluation of NATFATIP's TIP Database

Jointly developed by the Ministry of Justice and the United Nations Development Programme (UNDP) in August 2015, the Integrated Trafficking in Persons Information System and Database was designed as a web-based system which functions as the central repository for the National Taskforce Against Trafficking in Persons. It uses the templates of the International Organization for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD) which stipulates the standards for data collection pertaining to traffickers and victims.

The Database consists of three (3) core features:

- 1. Data Management Module** - This module stores all available primary data on cases of Human Trafficking and manages the input of data by the various entities, including data on victim's profile, trafficker's profile, trafficking process, exploitation, response/action taken, investigation phase, trial phase, appeal process and post-trial phase.
- 2. Document Management Module** - This module facilitates the uploading and accessing of various documents pertaining to Human Trafficking, including legislation, international conventions, reports, articles and policies, among others. The module accepts documents in Microsoft Word, Microsoft Excel and PDF format and, is supposed to reflect secondary data in the form of statistical tables from reports.
- 3. Reports and Statistics Module** - This module facilitates the processing of

queries and the generation and retrieval of statistics and reports from all relevant data represented.

The process of evaluating NATFATIP's database involved:

- Assessing the effectiveness of the Integrated Trafficking in Persons Information System and Database which seeks to collect, analyze and share Trafficking In Persons related data.
- Identifying any gaps in the Integrated Trafficking in Persons Information System and Database.
- Examining the implications of the database on policy, programmes and the development of strategy geared towards the prevention, prosecution, protection and partnership in Human Trafficking related matters.

Methodology

An evaluation questionnaire was designed and administered by ONRTIP's researcher to assess the effectiveness of the Integrated Trafficking in Persons Information System and Database. The responses to the questionnaire were provided by the Manager of NATFATIP's Secretariat. Please see Appendix 4 for the relevant Evaluation Questionnaire.

Limitation

The primary limitation encountered throughout the assessment was the fact that the manager was a relatively new employee of the National Taskforce on Trafficking In Persons. As the development of the database pre-dated her start date, the responses provided were dependent on the amount of knowledge she had about the subject matter and secondary information.

Results of the Evaluation

Effectiveness of the Database

1. Access and Security

- Though documents/reports would indicate that key stakeholders such as the Jamaica Constabulary Force (JCF), the Office of the Director of Public Prosecutions (DPP) and the National Children's Registry (NCR) would have had access to the Integrated Trafficking in Persons Information System and Database, NATFATIP is the only agency that currently has access. This, therefore, negatively impacts the ease

of access and the functionality of the database.

- The Secretariat indicated that the database is fully secured, with several web-based server protections. Access is also limited to select staff.
- In relation to maintenance, the database is currently being updated by the Taskforce's secretariat and is done periodically and/or when the data is collected and needs to be inputted. The information inputted is used to track the status of cases and identify trends that have emerged in Human Trafficking in Jamaica.

2. Secretariat's Satisfaction with the Database:

Features	Rating
Input of data	Satisfied
Access to the database	Satisfied
Security of the database	Very satisfied
Upgrade of the database	Not satisfied
Design of the database	Satisfied
Usage of the database	Not satisfied
Functions of the database	Satisfied
Met the objectives:	To some extent
Cost effective	Yes, no additional cost has been incurred since the implementation phase

Source: Human Trafficking Consultation with NATFATIP Secretariat, February 2019 (ONRTIP)

3. Gaps/Challenges of the Database and Recommendations

NATFATIP's Secretariat indicated that though the general expectations of the database have been met to an extent, several challenges are still present, including:

- One of the main challenges that hinders the functionality of the database involves the lack of consistent and timely reporting of data from the different stakeholders. It is reported that key stakeholders often times experience difficulty in balancing the demands of their daily job functions and the requirements of reporting to the Taskforce. It may be useful to develop a standardized recording tool aimed at capturing relevant Human Trafficking related data/information from the different stakeholders which they would complete and submit to the Taskforce for

onward populating of the database.

- The Secretariat currently faces the challenge of a lack of sufficient staff. A database manager/clerk is required to gather data, update the database in a timely manner, as well as to follow-up on the cases that have been identified, investigated and tried in court. This individual would also aid the Taskforce in data analysis and reporting.
- In terms of inputting the data, some of the fields are limited in size. The Secretariat indicated that it is working closely with an Information Technology specialist to rectify this problem.
- The database has yet to contribute to any policy, strategy and/or programme development for initiatives aimed at combating Human Trafficking.



Key Recommendation

It is important to reinforce the importance of the drafted Data-sharing Memorandum of Understanding (MOU) which is awaiting implementation and meaningful functionality.

U-Report Poll on Human Trafficking The National Rapporteur's Collaboration with UNICEF

U-Report is a social messaging polling tool, pioneered by UNICEF, that is designed to give Jamaican youth a greater voice on issues of national importance. Since children represent one of the most vulnerable groups who are trafficked globally, ONRTIP utilized the U-Report platform to assess the youths' awareness, attitudes and perceptions of Human Trafficking in Jamaica. A total number of six hundred and ninety three (693) youth responded to the poll that was administered online on 5 July 2019.



Chart(s) 10-13 (below) provide a summary but the full results of the poll can be viewed on the website: <https://jamaica.ureport.in/v2/opinion/1183/>

Chart 12: U-Reporters' Perception: Risk of Human Trafficking



Chart 13: U-Reporters' Perception: Awareness of Human Trafficking

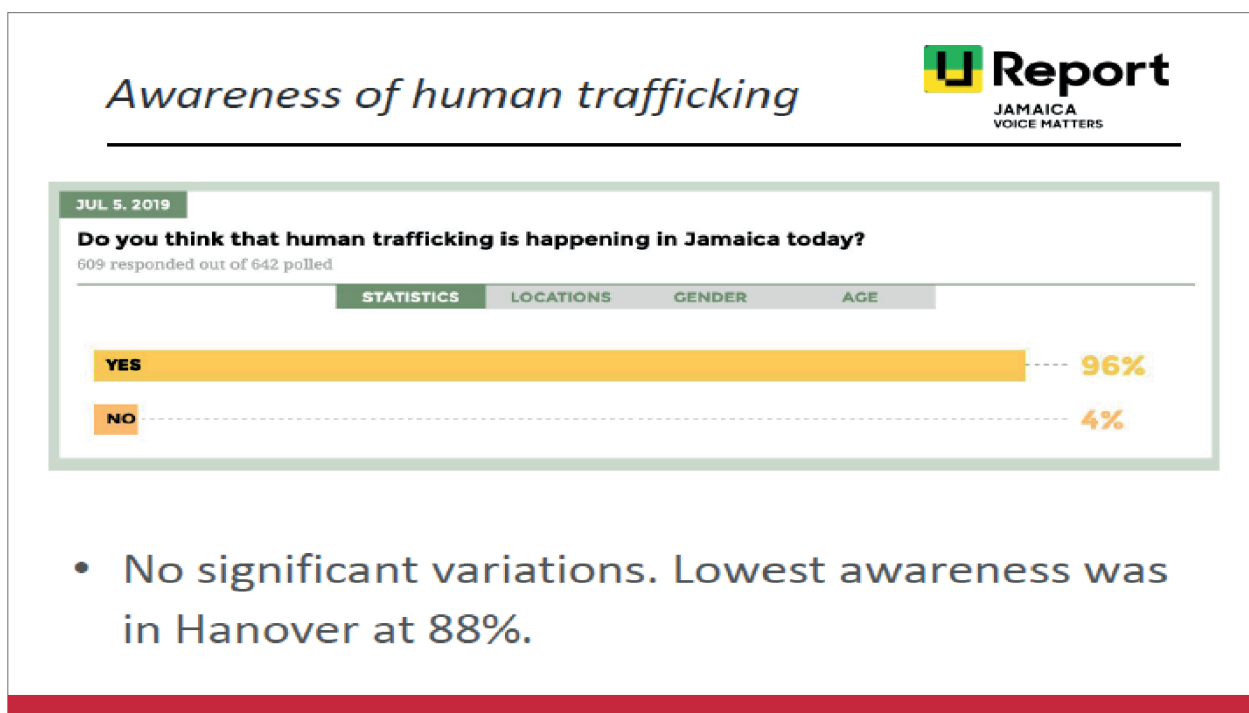
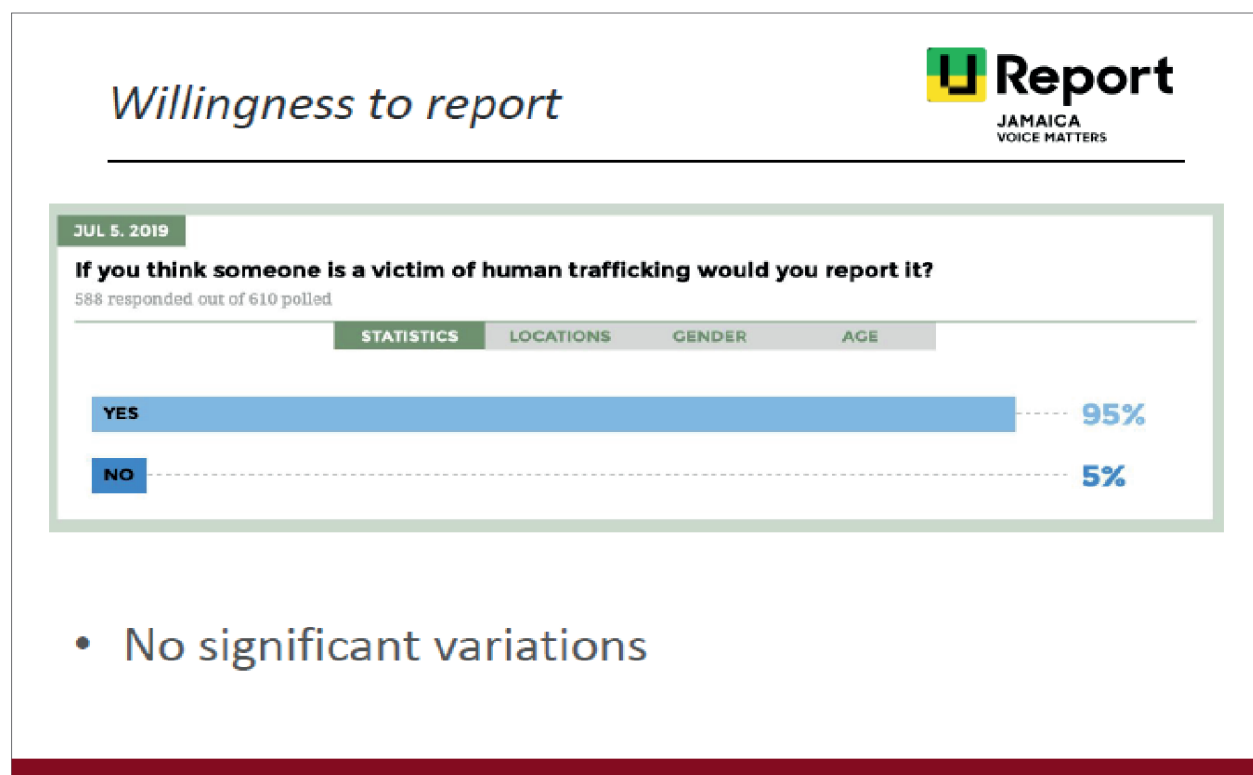


Chart 14: U-Reporters' Willingness to Report



- No significant variations

Chart 15: U-Reporters' Sample Responses

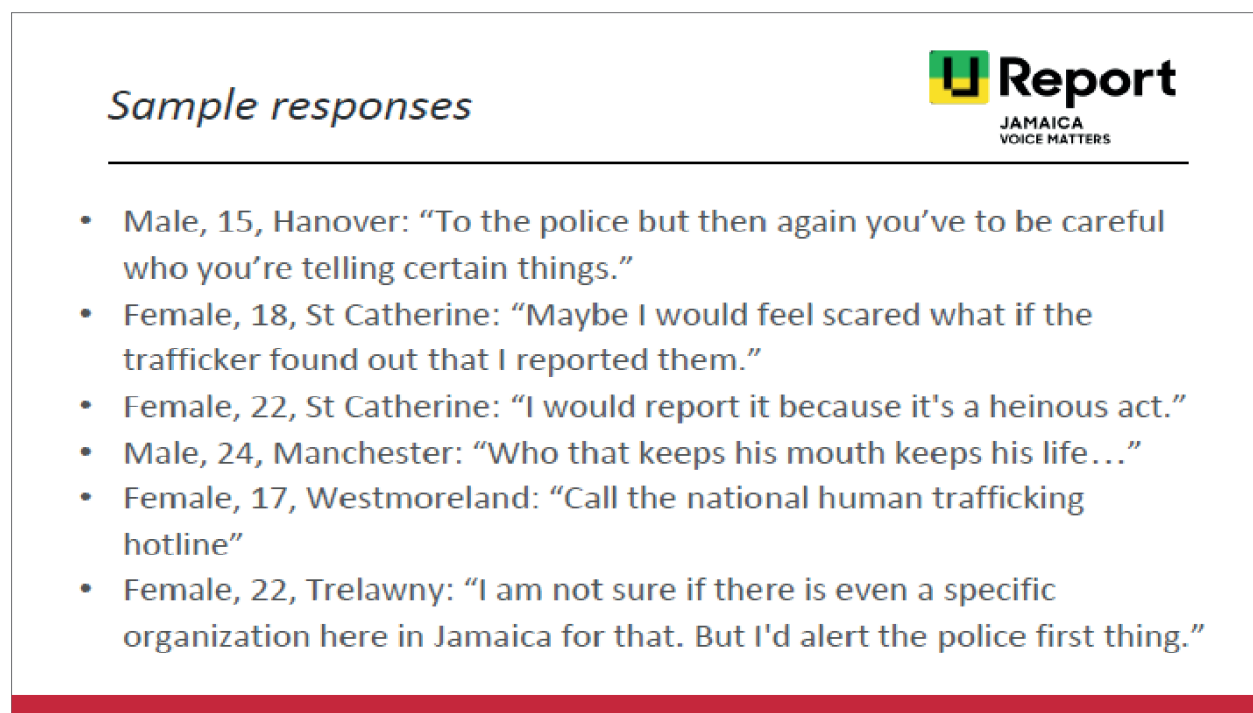


Table 36: Tier Ranking Assessment Criteria for US State Department’s Annual 2019 TIP Report vs. Jamaica’s Initiatives to Combat TIP

Assessment Criteria	GOJ Initiatives/Achievements
Develop, fully implement, and train officials on government-wide SOPs to guide the proactive identification of suspected trafficking victims and their referral to services, including screening for indicators of trafficking among vulnerable groups;	<ul style="list-style-type: none"> ONRTIP has developed, launched and distributed the Human Trafficking E-Learning Tool to educate, train and provide self-testing for all frontline officials and first responders The GOJ conducts on-going training at the National Police College for police officers and training of police personnel at the Divisional level Training has been conducted with members of NATFATIP, JDF soldiers, Cadets, Judges, and Prosecutors Protocols & operational guidelines have been finalized and are being utilized in various sectors such as health and labour
Revise and standardize referral procedures so that authorities and the general public can refer all suspected victims directly to government or NGO service providers, and make victims eligible to receive formal identification and trafficking-related services without police referral;	<ul style="list-style-type: none"> ONRTIP in collaboration with the British High Commission has developed and launched the Human Trafficking Survivors’ Handbook to guide survivors on their rights and support services available to them. Under the CPC, different government agencies contributed to the refinement of SOPs used to guide the proactive identification of suspected child trafficking victims and referral to services, including screening for indicators of trafficking among vulnerable groups.
Increase efforts to provide more victims , whether identified in Jamaica or repatriated from abroad, with comprehensive services including legal,medical, psycho-social, shelter, case management, educational/ vocational, and reintegration assistance;	<ul style="list-style-type: none"> The Protection Sub-committee of NATFATIP is drafting a Protocol to effectively deal with repatriated TIP victims to Jamaica and their reintegration into society. Strategy nine (9) of the National Action Plan outlines that the GOJ would seek to “Monitor borders and immigration and emigration patterns as well as a systematic undertaking to ensure sustained and effective prosecution of TIP and related offences.” In this vein, brochures are to be developed and disseminated about certain rights and protection under the law for a TIP victim (For example, the right to repatriation) Strategy 13 outlined that the Government would “Establish regulations for the Trafficking in Persons Act, 2007 to allow for the establishment of protocols/guidelines for (i) the referral of TIP victims to protection and rehabilitation services; (ii) the safe and voluntary repatriation of TIP victims”. NATFATIP has also indicated its intention to liaise with the Ministry of Justice to comment on the Victim’s Charter to ensure that the rights/needs of foreign and domestic TIP victims are adequately reflected therein.
Increase funding to enhance the capacity of Ministries, Departments, and Agencies that provide victim services and to the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) to fulfill its mandate to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government;	<ul style="list-style-type: none"> ONRTIP has received moderate success in the addition of a new post for an Anti-Human Trafficking Officer. The ONRTIP continues to be in need of both Human and Financial Resource support to effectively execute its mandate. Currently, there is a support staff of two (2) individuals who assist the National Rapporteur.
Increase cooperation between law enforcement and service providers (both governmental and NGO)	<ul style="list-style-type: none"> Standard operating procedures and inter-agency agreements have been developed and are being used amongst the various stakeholders

Increase efforts to employ victim-centered, trauma-informed procedures in law enforcement operations, investigations, and criminal justice proceedings;	<ul style="list-style-type: none"> The ODPP intends to establish a Victim Care Unit through which crown counsel would be in constant contact with the victims who are of priority and/or concern in the court system.
Strengthen and institutionalize training on Human Trafficking and victim-centered procedures for police, prosecutors, and judges and assign cases to trained personnel;	<ul style="list-style-type: none"> There are guidelines and SOPs that are in place to guide personnel on how to address TIP matters. They also explain how to identify, refer and transfer victims to shelter care Training and sensitization sessions were also provided to several groups (government and non-government officials) such as the JDF, National Integrity Action, Ambassadors, Tourism Product Development Company (TPDCo) and Jamaica Customs Agency) ONRTIP has developed, launched and distributed the Human Trafficking E-Learning Tool to educate, train and provide self-testing for all frontline officials and first responders
Increase efforts to vigorously investigate, prosecute, convict, and punish traffickers;	<ul style="list-style-type: none"> The government achieved one conviction: R v. Aston Alcock (under the TIP Act) The GOJ's First TIP conviction was affirmed on appeal in October 2018 For the period 2019/2020, the government increased the number of operations/surveillance drills conducted when compared to the previous period TIP investigations are in the pipeline and are actively being prepared for court
Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes, including by removing sentencing provisions that allow fines in lieu of imprisonment and increasing the available maximum imprisonment term;	<ul style="list-style-type: none"> The intent to amend the Anti-Trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment has been included in the new National Action Plan
Increase efforts to investigate, prosecute and convict foreign tourists and Jamaicans who purchase commercial sex acts from child trafficking victims;	<ul style="list-style-type: none"> Within the reporting period 2019/2020, the A-TIP-IP Vice Squad assisted the following countries: Antigua & Barbuda, the Cayman Islands, Barbados, The Bahamas, Switzerland (since February 2020) and India (Since January 2020) An on-going partnership has been established between the Government of Jamaica and some foreign authorities. Assistance rendered by PICA has aided the government in being informed when a known sex offender from a foreign country is seeking to enter Jamaica. PICA has been sensitized and is increasing its monitoring of the immigration patterns of individuals coming into Jamaica
Improve the effectiveness of efforts to educate government officials and the public about human trafficking in Jamaica through community-based outreach and education activities that are audience-specific and action oriented, with a particular focus on identifying, responding to, and preventing trafficking crimes within communities.	<ul style="list-style-type: none"> There was a significant increase in the number of government officials and members of the general public who were educated and sensitized during the period 2019/2020 A variety of methods have been adapted by the GOJ to spread Human Trafficking information. These include road shows, live radio broadcasts, job fairs, development of brochures and the launch and promotion of the A-TIP Club in schools



CHAPTER 8: The National Rapporteur's Recommendations

The National Rapporteur's Recommendations

Within this Section, the recommendations are largely reiterated from those made in the previous Report as many of them still remain outstanding and if implemented would bolster Jamaica's anti-Human Trafficking efforts. Of course, relevant updates have been made where required.

Prevention

1. Routine Capacity Building for First Responders

The necessary funding support and resources for widespread training and sensitization of the Jamaica Constabulary Force on the indicators of Human Trafficking and procedures for first responders must be identified and provided in a sustained way. Training cannot occur periodically or when funds happen to become available, whether through donor funding or otherwise. It is also recommended that new recruits at the National Police College be exposed to in-depth training as a standard part of their preparation for becoming effective members of the police force. This approach is not limited to the JCF, but should also be extended to Immigration and Customs Officers, members of the Jamaica Defence Force (particularly the Coast Guard), as well as all port security personnel, among others. This sort of prioritization should underscore the importance with which the GOJ treats the issue and as such, the corresponding importance with which police officers and

other first responders must approach the issue of Human Trafficking. If this is done police officers across the board, for example, should no longer simply see the specialized TIP Unit within the JCF as having sole responsibility for being on the alert for likely victims or potential instances of Human Trafficking. As first responders, members of the JCF **all** have a role to play and must embrace this role so that proactive referrals can be made to the specialized TIP Unit which will then take the matter(s) forward in keeping with established protocols.

ONRTIP's Human Trafficking E-Learning Tool⁴¹ – this digitized tool was officially launched on February 28, 2020 and saw a wide cross-section of the first responders referenced within this section, each receiving a tool for their own use and benefit. This tool, if used by these stakeholders, should provide a big boost to knowledge creation as it gives the individual the ability to refresh his memory as the need may arise at a pace that is comfortable for him.

⁴¹ As indicated earlier in this Report, this tool was created in collaboration with the British High Commission in Kingston.



ONRTIP's E-Learning Flat Disc.

2. Increased Coordination

In a bid to assist in the proactive identification and referral of victims, standard operating procedures and inter-agency agreements amongst the various stakeholders ought to be developed and implemented by the GOJ. Alternatively, if the GOJ does not wish to become excessively operational in this effort, it can serve as the avenue through which the development and implementation of such initiatives can be encouraged. Such an approach should help to ensure more clarity concerning the roles and functions of diverse stakeholders in relation to combating Trafficking in Persons in Jamaica.

It is also recommended that key stakeholders should seek to coordinate with entities and individuals who are not typically perceived as playing a direct role in the fight against Trafficking in Persons. Given the nature of

the specific mandate(s) and responsibilities, there are some stakeholders with a direct strategic focus on Human Trafficking and others that do not have this focused attention. It is therefore relevant to assess how those without such a focus may further contribute to Jamaica's anti-trafficking efforts. For example, the Port Authority of Jamaica (PAJ) reports that they ensure that the ports have robust plans to deal with issues such as the smuggling of drugs and guns, and other forms of organized crime. Though the use of vessels as a means of Human Trafficking is perhaps highly unlikely, the PAJ has outlined that it has comprehensive scanning and screening processes aimed at ensuring that Human Trafficking does not take place. Equally significant, is collaboration with non-government associations such as the Jamaica Association for Taxi Operators (JATO) and the Jamaica Hotel and Tourist Association (JHTA)

because members of these organizations are well-placed to observe critical red flags and assist in the prevention efforts of the country. The rationale for this position is that the fight against this horrendous crime remains a crucial one and it requires an increasingly collective effort to obtain an even greater impact.

3. Creation of Specialized Messages

Targeted public education campaigns ought to be developed by specialized teams so that various groups, who may be extremely vulnerable to TIP, may be directly targeted and ultimately impacted. For example, the OCA and CPFSA routinely work with vulnerable children and are best able to speak to the profile of the clients whom they serve and as such, should be better placed to craft messages that will be most impactful to them. So too is the case with the Bureau of Gender Affairs and Woman Inc, as they have tremendous expertise in the area of gender based violence and vulnerable women who are prime candidates for falling prey to Human Trafficking. The view being espoused here, is not for these entities to operate independently of NATFATIP, but rather for a greater degree of consultation to occur in this regard, so that the messaging may be more 'personalized' for the vulnerable cohorts with whom these entities work. There is a general need for more comprehensive, creative and diverse communication strategies that think 'outside of the box'.

4. Proactive Victim Identification

Identify all the relevant stakeholders who, within their respective mandates, interface with vulnerable populations or have an intake process with a view to increase their awareness about the issue of Human Trafficking. If such a strategy were to be embraced, it would promote an "all hands on deck" approach that should serve to diversify the channels through which potential victims

could be identified, and ultimately rescued. An expansion of this approach could also see selected front-line staff being specifically trained and designated to be TIP Focal Points within their respective MDA(s) and given the additional responsibility for internal training as well as greater contact with NATFATIP so that the various standard operating protocols can be observed. Faith-based organizations and churches ought not to be excluded from these arrangements as their contribution to the success of anti-trafficking initiatives cannot be underestimated. It would also be useful to create a process diagram or protocol which seeks to highlight the steps that should be taken, and at what point in time, whenever a victim of trafficking is identified. Such a diagram would greatly assist in streamlining the responsibilities of different agencies that treat with victims of Human Trafficking. In this regard as well, the ONRTIP stands ready to equip these TIP Focal Points with their own ONRTIP Human Trafficking E-Learning Tool.

5. Capitalizing on the role of Prescribed Persons

Within Jamaica's legal framework as outlined in the *Child Care and Protection Act*, there are certain individuals that have been designated as prescribed persons. In the main, these persons work in environments that allow them to have either many contact hours with children and/or to be exposed to large numbers of children during the course of their employment. As a consequence, these individuals have a good opportunity to observe indicators which may suggest when things that could put a child at risk of Human Trafficking (or some other negative occurrence) are manifesting. Two categories of prescribed persons that could be more specifically targeted as useful allies in the fight against Human Trafficking are teaching professionals and hospital personnel. Teachers see the same set of children on a daily basis and are well-placed to observe red

flags and trigger a referral process whenever they perceive a potential victim. Hospital personnel are integrally involved in delivering health care to actual victims and may become aware of suspicious circumstances that, if revealed to the appropriate channels within a short time, could provide a window of opportunity for effective action to occur and possibly contribute to the rescue of an actual (or potential) victim. It would be a crucial addition to the tools in Jamaica's prevention arsenal if these groups were co-opted in the Human Trafficking fight as children represent a vulnerable cohort from which potential victims are likely to be targeted.

6. Focus on Labour Inspectors

Labour inspectors within the Ministry of Labour and Social Security play a critical role in the rubric against Human Trafficking. While for a long time they could only inspect public entities, the law has been recently amended to allow them to access private spaces where necessary, for the purposes of conducting relevant checks. This is an important addition and it must be used as a key tool in Jamaica's prevention strategies. Using specific and in-depth training tools, (including ONRTIP's newly launched E-Learning tool) inspectors should be trained to detect forms of Trafficking in Persons within domestic settings, that is, homes and/or residential facilities. Once an observation is made which raises a red flag, the necessary report must be made to the relevant authorities for further investigations and any follow-up action(s).

7. Registration and Robust monitoring of Employment Agencies

On paper, there seems to be a comprehensive system within the Jamaican framework which treats with the routine registration, licensing and inspection of employment agencies with the Ministry of Labour and Social Security. The *Employment Agencies Regulation Act (EARA)* makes provision for every such agency to be

licensed by a designated Licensing Officer and to be inspected (during reasonable hours) by Inspectors of Employment Agencies. Penalties for breaches are also recorded under this statute. While these provisions suggest a well-established regulatory system, repeat cases of Jamaicans who are fleeced of 'registration fees' that they pay to employment agencies from time to time in the hope of securing a job, indicate that there needs to be more vigilance surrounding the enforcement of the provisions of the EARA. This is a loophole which can be easily exploited by persons with ill-intent. Opportunities exist for persons to be recruited through the lure of advertisements that are placed by such agencies with the promise of very lucrative employment prospects, both locally and overseas. If there is no registration and/or any robust demonstration of regulation of these entities, abuse can thrive and progress unabated thereby exposing vulnerable Jamaicans to the threat of Trafficking in Persons.

8. Overseas Employment Schemes

The Jamaican government has a long history of partnering with foreign governments in the area of seasonal employment programmes – two (2) examples that come quickly to mind are the farm work programme and the programme within the hospitality (hotel) sector. While this is a controlled arrangement, there remains a risk (however slight) of participants falling prey to Human Trafficking; there have been participants, for instance, who have not remained on the programme once they have arrived in the destination country and are thus placed in vulnerable circumstances. ONRTIP's special focus on the plight of some of these workers has been explored in Part 2 of Chapter 4.

Prior to these participants departing Jamaica, therefore, it is imperative that the Ministry of Labour and Social Security have sensitization sessions with them in which the issue of

Human Trafficking is **specifically** addressed. Additionally, the National Rapporteur having noted the findings of the Auditor-General in her 2015/2016 assessment of the Jamaica Liaison Service and its interface with the Canadian Farm and Factory Workers' Programme, recommends that the number of Liaison Officers be made more proportionate to the sites of employment in which Jamaican workers may be placed **and** that a more vigilant monitoring system be instituted and observed by these officers.

9. Increased Synergy with ONRTIP

The Office of the National Rapporteur provides a good opportunity for Jamaica to demonstrate the seriousness with which it intends to treat Human Trafficking. ONRTIP is essentially an oversight body which observes the range of issues that touch and concern Human Trafficking within the Jamaican, regional and international contexts, and where necessary seeks to influence the approach towards anti-Human Trafficking efforts to support Jamaica's responses to this problem. Most importantly as well, is ONRTIP's role to make recommendations to the government in relation to this subject-matter. It would serve the country well therefore, if greater access to information (and the pace at which it is shared) were accorded to ONRTIP in its efforts to present an accurate assessment of Jamaica's anti-trafficking climate. For instance, the current MOU on Data Sharing could be amended to ensure that priority access to information and data on TIP is granted to the National Rapporteur as a matter of right. In the same vein, further recognition needs to be given to the need for the Office of the National Rapporteur on Trafficking in Persons, to readily obtain information from all relevant stakeholders **and** victims where the need arises, as only then can a truly **independent** and honest assessment be made and credibly serve as the basis for effective recommendations.

10. Public Education & Social Intervention

Implement targeted public education sessions for vulnerable populations such as commercial sex workers, men having sex with men (MSMs), youth in marginalized communities, high school drop-outs and domestic workers. If these persons are made more aware of the risk of falling prey to Human Trafficking and/or offences akin to Human Trafficking, this would greatly increase their ability to possibly withstand attempts to co-opt them and ultimately exploit them. Social intervention programmes should also accompany these awareness building efforts, with specialized emphasis being placed on those individuals who, for example, wish to leave the commercial sex trade and become a part of a more structured workforce. In this regard, partnerships could be forged with the HEART Trust NTA to provide skills training and job placement or with Jamaica Social Investment Fund (JSIF) to assist with targeted support at the community level.

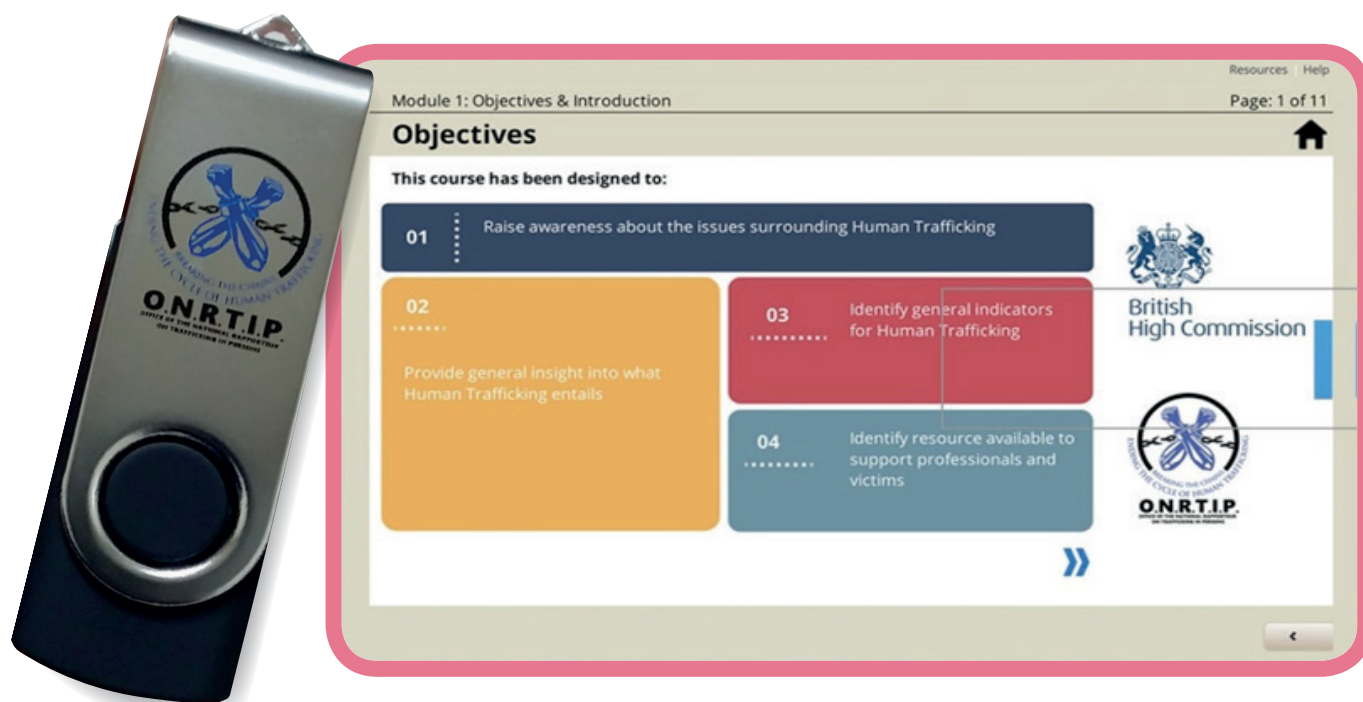
11. Collaboration with Embassies/High Commissions and Consulates

Strategic partnerships with embassies/consulates can also prove to be quite helpful as the police liaison or other suitable representative can provide useful information to local law enforcement about persons of concern that may have a link with the countries that these embassies/consulates represent. The National Rapporteur therefore recommends that, where they exist, these partnerships be sustained and where they could do with improvement, steps be taken to do so without delay. Plans should be incorporated to evaluate outcomes and best practices to effectively build and reinforce future partnerships.

12. Embrace Technological Support

While there have been many capacity building initiatives undertaken by NATFATIP and other entities, either collaboratively or independently, there is great benefit to the effective use of technology to bolster these efforts. ONRTIP has sought to lead the way in this area through a fruitful partnership with the British government which has seen a consultative research undertaking that canvasses inputs from all the relevant stakeholders. This has resulted in the creation of an E-Learning tool for all relevant personnel that should serve as a reference for TIP-related knowledge and material and will preserve for posterity, some of the training

that has already been done. There are so many presentations that can be done and if the material is available and accessible for some time after the presentation has passed, this can only serve to benefit the many stakeholders over time. It is ONRTIP's vision that over time, the dissemination of this E-Learning tool will place the power of self-education into the hands of relevant stakeholders which will serve to complement their learning alongside other capacity building opportunities. Similarly there is the need for other agencies to embrace technological support or manipulate the tools that have been created to maximize Jamaica's Anti-Trafficking efforts.



13. Sanctions by GOJ

Increasingly at the global level, countries have sought to implement measures to ensure that government labour supply chains as well as those of private sector companies with which the government does business, are devoid of activities connected to Human Trafficking. In the United States, for instance, the government does not do business with any company that cannot speak to the integrity

of the raw materials that are used in its products; examples of 'contaminated' supply chains include t-shirts made from cotton that is reaped by persons whose labour is exploited by working for long hours without due compensation or young children being made to work in sweat shops to sew clothing. This approach, in effect, removes some of the profit that human traffickers can amass by virtue of their criminal activity as it reduces

the number of outlets that they have access to as potential markets. While Jamaica may have neither the purchasing power nor the financial might of the USA, if the GOJ were to adopt a similar stance it would certainly send a very strong message about Jamaica's intolerance for Human Trafficking. A simple way in which this could be achieved is that disclosure questions may be posed to suppliers of clothes that are purchased by government MDA(s) for office shirts and/or uniforms or to persons within the construction industry who bid for contracts and supply building services to the government in the diverse arenas of road construction, agricultural undertakings

& office buildings and a host of other services. What are the conditions that some of their employees work under in terms of hours of work, remuneration and safety gear that make them able to quote such an attractive rate? Is it as a result of exploitative labour practices why they are able to quote the most competitive cost? The National Rapporteur urges the GOJ to seriously consider this approach as a good way to strip some of the profit out of the crime of Human Trafficking and at the same time, to improve Jamaica's anti-trafficking efforts and ultimately the profile of our country.

Protection

1. Increased Focus on Male Victims

Jamaica still has no designated shelter that provides accommodation for male victims of Human Trafficking. This is a significant gap which needs to be filled as it is well-documented that it is not only women and girls who feature as victims of Human Trafficking in Jamaica. Though "shelter solutions" are made available, a male shelter would ensure that relevant safety procedures are maintained, and appropriate therapeutic services are provided to the victim. Additionally, persons who are proficient in trauma-informed care must be made available to work with these individuals by providing appropriate psycho-social support.

2. Consistency in the Delivery of Services

It is generally agreed that for the broadest access to care services by victims, the NGO community is necessary as a critical supplement to the government or as the avenue through which the delivery of services is provided. In order to ensure that a certain degree of minimally accepted standards are observed across the board, it is here recommended that NGOs that provide services for TIP victims ought to be licensed and required to adhere to the Victim Protection Protocol as articulated by NATFATIP and observe standard operating procedures. In the same vein, in order to enable these NGOs to provide this quality care to victims

of Human Trafficking, the government should consider some subvention to these entities as a means of subsidizing some of the cost(s) that they will undoubtedly incur.

3. National Plan of Action

The GOJ has approved the action plan for 2018-2021. The National Rapporteur applauds the government for having crafted the current plan and urges it to consistently strive to meet the stated objectives therein. Additionally, it is recommended that going forward, national plan(s) of action should necessarily incorporate, inter alia, a programme which aims to bring victims to a state of self-sufficiency and assists with their effective reintegration into mainstream society, as far as that may be possible. Such a programme may include offering skills training to TIP victims in collaboration with the HEART Trust/NTA; or assisting with the acquisition of certain critical documents such as birth certificates, tax registration numbers (TRN), land titles, or any other document which allows them to conduct transactions and continue along a path to achieving some degree of normalcy. It is also recommended that the National Rapporteur is given an opportunity to comment on any future National Action Plan(s) that are developed for implementation. Likewise, serious consideration ought properly to be given to the recommendations made in the annual report(s) of the National Rapporteur as otherwise, it remains a counter-productive exercise which frustrates one of the critical functions that the National Rapporteur was appointed to perform and also it does not signal the inclusiveness and seriousness of Jamaica's approach to its anti-trafficking efforts. As indicated before, the large number of recommendations which have not been responded to and/or implemented has caused them to be repeated in this Report.

4. Global Priority on Children

Children consistently feature as a vulnerable population and are easy prey for Human Traffickers within the global context. As a consequence, the National Rapporteur recommends that our National Plan of Action should specifically highlight child trafficking as a strategic priority; and while efforts have been emphasized, it is currently not identified as high priority. Initiatives should thus be developed to comprehensively explore the scope of vulnerabilities of children to trafficking and the key factors that perpetuate its occurrence.

5. Improved Protection for Domestic Workers

Domestic workers provide yet another example of a cohort that is particularly vulnerable to Human Trafficking; this is true on the international scale, within the region as well as in Jamaica. Of particular concern to the National Rapporteur is that domestic servitude is usually well hidden as it occurs within someone's private residence and is typically practised by affluent and/or "well-connected" persons. As a consequence, it is very hard to detect and equally hard to collect evidence even when detected. Additionally, there is often the concern surrounding acts of corruption which attend upon these matters as these well-connected persons can use influence to avoid investigation and/or prosecution. With the ratification of *ILO Convention 189: Decent Work for Domestic Workers (2016)*, increased efforts should be made to consistently monitor working conditions among this particular cohort. This could be done by partnering with agencies that have greater access to enter places of residence.

6. Expand Legislative Protection to Victims

There are lessons that Jamaica could learn from its nearest neighbour to the east, i.e. Haiti. An examination of Haiti's *Antitrafficking*

Law of 2014 reveals that pursuant to Article 7 there is statutory provision for a fund which continues in perpetuity for the purposes of compensating victims of Human Trafficking. Funds are obtained through four (4) avenues:

- (a) Haiti's annual national budget
- (b) Donations & grants to the Fund
- (c) The proceeds generated from the auctioning of movable and immovable assets that were the subject of seizure and confiscation proceedings because they were obtained through (or linked to) Human Trafficking
- (d) 75% of any revenue obtained from the sale of real property because of its association with Human Trafficking

If Jamaica were to adopt this approach, or a similar one, there is a strong probability that the sufficiency of funds which is sometimes an issue, would be better supplied. Similarly, Guyana under its *Combating of Trafficking in Persons Act* of 2005 has an all-encompassing provision in Section 11 which deals with victim immunity. While it is acknowledged that Jamaica has some degree of victim immunity in Section 8 of our legislation, Guyana's provision covers a wider cohort of victims. In Jamaica, victims are immune from prosecution for any immigration or prostitution offences that arise as a direct result of their trafficking experience. In Guyana, however, not only are migration-related offences and prostitution covered but so too is "*any other criminal offence that was a direct result from being trafficked.*"

7. National Referral Mechanism (NRM)

Jurisdictions such as the United Kingdom have embraced the framework of a structured referral mechanism which treats with the identification of suspected trafficking victims, ensures that they are referred through standard operating procedures to a registry, and therefrom referred into care and support

services that cater to this victim. The advantage of such a system is that data is readily available as to what the number of victims looks like, the profile of these victims such as the countries from which they originate & the type of trafficking to which they have been subjected, and references any material dates, location or other specific information about the victim. The National Rapporteur sees the benefit of such a system being modified and appropriately adapted to the Jamaican reality and recommends that such a mechanism be considered for Jamaica. One variation from the UK model that the National Rapporteur supports very strongly, however, is that there must be a clear intersection with this referral mechanism and law enforcement; within the UK, there is no requirement for the NRM to refer suspected cases of Human Trafficking to law enforcement. For the Jamaican context, it is being recommended that our NRM and our law enforcement must compliment the efforts of each other so that the overall trafficking profile of the country can be improved as this will promote better protective mechanisms and should serve to increase investigations and ultimately prosecutions in TIP matters. The National Rapporteur is of the firm view that strong prosecutions which result into convictions, send a strong message to human traffickers that our Jamaican system can, and will, hold them accountable. Worthy of note in this regard, is that during 2019 good ground was covered by WINROCK International (one of the implementers under the Child Protection Compact) as they hosted a number of consultations with stakeholders concerning a proposed NRM for child victims of trafficking. Yet another precaution that Jamaica should observe in any adaptation of the UK system, is that we do not attach too many bureaucratic strictures concerning the confirmation of a potential victim of trafficking as sometimes, this can lead to persons who genuinely need protective support, being deprived of receiving it.



Prosecution

1. Increased & Effective Usage of the Restitution Provisions

Under Jamaica's TIP legislation, there are restitution provisions which underscore the victim centred approach that the country has committed to uphold. The aim of these provisions is to compensate victims of trafficking for the diverse forms of care that they will require at various points throughout the future to effectively address the long-term impact of their trafficking episode. To achieve this, the legislation attempts to use money (even though it's never completely possible to do this) to right the wrong and to strive to make the victim a whole person. It is Section 6 of Jamaica's *Trafficking in Persons (Prevention, Suppression and Punishment) Act* which comprehensively treats with the entitlement of the victim to restitution once a conviction for TIP has been obtained. The emphasis on restitution was further underscored in the 2018 amendments to the Act which allowed for the enforcement of restitution order(s) made by the court, where the convicted Human Trafficker failed to make the relevant payment(s) to the victim and for regulations concerning the efficiency of restitution to victims. To date, however, despite this very heavy emphasis there seems to be a generally conservative application of the restitution provisions within the Jamaican experience. Other jurisdictions, such as

the United States, have demonstrated very innovative and far-reaching interpretations of the principle of restitution. These jurisdictions readily embrace the fact that an Order of Restitution can be both retrospective & prospective and take a holistic approach to the calculation of a reasonable figure. One manifestation of this is provided in the Federal Court case of **United States vs. Whitely (2019)** in which the presiding judge pronounced that the entitlement to compensation does not shift even if services obtained were not paid for out of the victim's pocket or even where the victim does not need to be in therapy at the time of restitution, nor does (s)he need to be interested in seeking treatment then, to qualify for a prospective award. The court's assumption is that they **will** need care, albeit at some unknown time in the future. The judge's justification for this presumption referenced medical opinion that asserts that victims of Trafficking are more prone to diabetes, cancer, heart disease, hypertension, strokes, severe premenstrual & irritable bowel syndrome, fibromyalgia & chronic headaches. Very instructively also is that the Judge opined that even where the prosecution failed in its duty to highlight the factors of the complainant which ought to be considered when calculating the figure for restitution, the Judge still had a duty to step in and to actively consider the range

of relevant factors and to impose a figure that is reasonable in all the circumstances. This fiercely proactive approach which prioritizes the attention awarded to the victim is commendable and one which has many lessons for Jamaica which should (hopefully) result in more creative use of these provisions. To more directly advocate for this sort of approach, the National Rapporteur capitalized on a recent capacity building seminar for members of the Jamaican judiciary (Supreme and Court of Appeal Judges). Her presentation emphasized not only this case out of the US Federal Court, but also highlighted the similar underpinnings between the US and the Jamaican statutes which made such an approach quite relevant and possible within the Jamaican context.

2. Follow the Money to the Big Fish

Jamaica has enacted a Proceeds of Crime Act (POCA) which has as its objective, taking the profit out of crime. This statute, through its provisions, allows for financial investigations to be conducted and financial profiles to be created of persons who are suspected to be securing financial gain from crime. Further, POCA permits, inter alia, banks to comply with judicial orders wherein suspected persons' financial records are shared with investigators; freezing orders can be made; forfeiture and confiscation proceedings can be instituted against such persons with a view to removing the benefit obtained from their illegal activity – this includes targeting property thought to be obtained with illicit funds (dirty money). In light of these possibilities under POCA and the known financial benefit that human traffickers can obtain from this form of organized crime, it is the recommendation of the National Rapporteur that once there is a Human Trafficking investigation being undertaken, there is **always** an accompanying financial investigation that occurs as a parallel to it from the outset. If this real-time and proactive approach is routinely

taken, it has the potential of having a human trafficker being 'hit in the pocket' for his/her illicit activities and feeling the consequences in a very impactful manner. Of importance, is that this financial accountability can occur whether there is a criminal conviction or not; it applies to civil asset recovery proceedings and can serve as a dissuasive tool for actual and potential human traffickers. So significant is the link between ill-gotten profit and Human Trafficking, that in some other jurisdictions in a bid to support anti-human trafficking efforts, banks have explored the creation of an alliance which profiles persons and seeks to forfeit sums if they are suspected to be coming from Human Trafficking. In the United States, for instance, JP Morgan Chase took the lead on creating such an alliance while in Europe, Thomas Reuters and HSBC have initiated a similar response and the alliance formed has been referred to as the European Bankers Alliance. Though the traffickers identified in Jamaica may not appear to have the resources that would require a financial investigation, they may be connected to a wider criminal structure which is motivated to continue with its criminal undertakings because of how lucrative the business is. Another incentive to continue that the more senior and well-resourced human traffickers may have, is the assurance that if a foot soldier who is very low within their criminal network is caught, he alone will face the criminal consequences of most likely incarceration or a fine, and the true profit that is generated in the ownership of assets and large sums of money will remain untouched. It is therefore imperative for greatest impact that the investigative process includes vigorous and proactive attempts to ascertain all the inter-connections that may exist and to deplete the profitability as far as may be possible.

3. Criminal Case Management

Sound criminal case management principles

facilitate the listing of cases with regard to a number of factors. Some of these include any vulnerabilities of the complainant, the special needs of any of the witnesses as well as security concerns and other administrative matters on either side of the proceedings. It is recommended that these fundamentals be particularly considered when Human Trafficking matters are being listed. Of course, it is also desirable that for the actual trying of a Human Trafficking case, the presiding judge is one who is comfortably conversant with this specialized area and all the peculiarities that may accompany the modality of the crime and the psychological violations that usually attach to matters of this nature. There have also been suggestions from some quarters that a specialized court to prosecute Human Trafficking matters as well as offences akin to Human Trafficking such as rape should be established. While this is not a flawed suggestion in and of itself, the National Rapporteur remains unconvinced that this is necessary within the Jamaican context **at this particular time**, as the number of matters that currently exist may not require a dedicated court that caters **solely** to Human Trafficking matters. It remains the view of the National Rapporteur that if this becomes necessary over time, this option may be seriously considered but based on current realities, a set of specially identified judges who are specifically trained in Human Trafficking and who consistently apply case management principles should be sufficient to cauterize this situation.

4. Increased Number of Prosecutors

The arrangement in Jamaica is that prosecutors attached to the Office of the Director of Public Prosecutions (ODPP) are the ones who handle Human Trafficking cases. These prosecutors typically have a number of concurrent work priorities which compete for their attention and therefore have the potential to sometimes serve as an

impediment to the exclusive time that they can dedicate to cases of any one category. To ameliorate this situation, it may be prudent to increase the number of prosecutors assigned to the Unit within the ODPP that has responsibility for trafficking matters so that the 'case to prosecutor' ratio can be made more manageable, thereby allowing more focused attention by each prosecutor on the cases assigned to him/her. Equally important, is the need for designated funds to be identified and committed to their continued legal education on this specialist subject matter.

5. Training & Continued Capacity Building

Though this was extensively covered in the recommendations enumerated under Prevention, it remains relevant here as well because the need for training cannot be over-emphasized. Without in-depth and on-going specialized training that covers the nature of Human Trafficking, diverse modalities of the crime and emerging trends, stakeholders who are engaged in the prosecutorial arm of anti-Human Trafficking activities will not be as effective as they could be, thus not able to advance the classic objectives of a robust criminal justice response. Consequently, the importance of building the capacity of judges who will preside over these matters, prosecutors who will advance the cases in court and investigators who will present the cases to the prosecutor, must remain a high priority. Training opportunities must therefore be deliberately created, arranged and implemented in a routine manner, accommodating adjustments as may become necessary.

6. Increased Number of Specialist TIP Investigators

The Anti-Trafficking in Persons Vice Squad of the JCF is a highly trained and efficient Unit. With increased resources, both financial and human, the collective impact of this Unit would be much more expansive. It is here recommended that more police

investigators ought to be assigned to this Unit and equipped with the requisite training to make them functional at a high level of competence. Additionally, ONRTIP has observed and has mentioned previously, that the majority of police officers who are not within this specialized TIP Unit are not sufficiently equipped to handle initial responses to possible victims, nor with red flags associated with TIP. In order to increase the country's anti-trafficking response(s) and to plug this deficit, it is also recommended

that satellite police Anti-TIP Units or local teams be established in Police Divisions or parishes that have featured as hot spots for the occurrence of Human Trafficking or those which present areas of concern to law enforcement. It is recommended that specialized training be conducted for key individuals within the different Divisions to embolden them to confidently address issues that may emerge concerning TIP within their geographic localities.

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APPENDICES

Appendix 1: ISPCAN Youth Forum Presentation 1

Group 1 ACTION PLAN					
Activities	Comments	Input/ Resources	Output/ Indicators	Responsible Persons	Timelines
"Building Bridges" Community Intervention and Sensitizations	<p>Invite 'responsible persons' to conduct sensitisation sessions with youth groups (community centres, police youth clubs, among others) and individuals in the communities. Also, members of National Secondary Student Council (NSSC); National Prefect's Association could be included in training sessions.</p> <p>Advocate for additional role for JPs to be able to bring awareness to their communities</p>	<p>Trained personnel from these agencies</p> <p>Collateral Material; pamphlets and brochures with tips and contact information</p>	<p>Increased awareness</p> <p>Increase the number of reports being made about abuse</p> <p>Increase the number of convictions and sentencing</p>	Office of the Children's Advocate (OCA); Child Protection and Family Services Agency (CPFSA); Ministry of National Security	On-going
<p>Media Campaigns</p> <p>Traditional Media – TV, radio, newspaper</p> <p>Social Media – twitter, IG, Facebook and other frequently used Social Media sites.</p>	<p>Commercials – what to do in the event someone approaches you</p> <p>Digicel and Flow to send out awareness messages</p> <p>Paid Ads on Social Media sites</p>	Info graphics – flyers, motion graphic videos	<p>Increased awareness</p> <p>Social Media: # of interactions with tweets/ posts; # of comments</p>	OCA; CPFSA; CISOCA; OCR	On-going
<p>School Tours</p> <p>One year, a nationwide school tour can be undertaken to focus on educating high school students about human trafficking and child sex tourism and how to protect themselves.</p>	<p>Incorporate edutainment to promote awareness on the issues.</p> <p>As far as possible, survivors who are willing should be invited to join the tours and share their stories.</p> <p>Essay writing and poster competitions</p>	Target influencers such as: Emprezz, Teri-Karelle, Tessanne Chin; Agent Sasco; Wayne Marshall; Dutty Berry	<p>Increased awareness</p> <p>Increase the number of reports being made about abuse</p> <p>Increase the number of convictions and sentencing</p>	<p>Ministry of Education, Youth and Information; OCA;</p> <p>Partnerships with NGOs and UN agencies like UNICEF JA.</p>	1 academic year to cover at least two (2) schools per parish

Appendix 2: ISPCAN Youth Forum Presentation 2

Activities	Comments	Input/ Resources	Output/Indicators	Responsible Persons	Timelines
Community based Public Awareness Campaigns	<p>Use small groups of 3 to 4 trained educators to host sessions or face to face interactions with community members</p> <p>Topics may include: assisting citizens in identifying signs of human trafficking, educate citizens on the repercussions of human trafficking and child sex tourism, providing training that deals with identifying the psychosocial patterns of behaviours</p>	Trained personnel	<p>Comfortable discourse around the issues surrounding the causes and repercussions of Human Trafficking and Sex Tourism</p> <p>Identify and familiarising residents the sign.</p> <p>Possible identification of victim/victimiser</p>	<p>Ministry of Education, Youth and Information; OCA;</p> <p>CPFSA</p>	6 weeks training for advisors and 1 weeks sensitisation in 'suspected
To establish community based Anti-Human Trafficking (and child sex tourism) Youth Groups	Provide training for young people to be able to respond to issues of trafficking in their communities, thus having them interested and apart of the change process	Use of comic books, skits, sibling mentorship	<p>Reporting/ talking about the issue-starting the conversation while provide them with the opportunity to feel welcome around speaking out</p> <p>Community ambassador to carry out the work of educating and reaching the members</p>	Jamaica Constabulary Force , CPSFA, OCA	on-going

Appendix 3: Interview Questions for TIP Victim

Interview with TIP victim

Demographics

1. How old are you?
2. How old were you when first trafficked?
3. Were you trafficked more than once? If yes, please give details of each.
 - a. what form of trafficking;
 - b. who were your traffickers;
 - c. where were you trafficked to; and
 - d. were there other victims of trafficking that your trafficker was engaged with?
4. Was your matter/any of your matters ever brought to the attention of the police?
5. Was your matter ever brought before the court? If no, why not?
6. If the matter was brought before the court, what was that experience like?
7. How old were you at the time the matter was brought to the attention of the police?
8. What was your highest level of education attained before being trafficked?
9. What was your family's socio-economic background before being trafficked?
10. Are you from rural or urban area of Jamaica?

History

11. Describe your childhood experience?
12. Were you sexually abused as a child? At what age did it start? By whom? How long did it last? (Depending on the victim and their response to question 11, this question may be omitted)
13. Were you employed or seeking employment at the time you were trafficked?
14. Did you have any dependents at that time?
15. How were you recruited, by what means and for what purpose? Share your story.
 - Please provide specifics of each location that the trafficking occurred and how it manifested in each situation.
 - How did the place look;
 - How did the trafficker maintain control over the victims (what tactics did he use – force, intimidation, trick, love);
 - How long did each trafficking period last;
 - Were there other victims of trafficking at each location;
 - What were the sexes of these victims;
 - What were the sexes of these traffickers;
 - Did the traffickers act alone;
 - Did you know if the traffickers were from Jamaica; if not, where were they from etc.
16. How did you escape/leave your trafficker?

Psychological Concerns

17. How has this experience impacted you?
18. Do you experience triggers based on your experience?
19. How do you cope with your triggers?
20. How has your experience impacted your family?

21. What impact, if any, has your experience had on your community?

Support

22. Were you ever placed in a shelter or victim care facility after the incident was brought to the attention of the authorities?

23. What challenges, if any, did you experience whilst at the shelter?

24. Have you received any counseling since the matter was brought to the attention of the authorities?

25. Has any member of your family received counseling?

26. What assistance, if any, have you received after the matter was brought to the attention of the authorities?

27. Was your trafficker ever arrested and/or prosecuted for trafficking you?

28. If yes, please explain your involvement in that process and how the police and court experiences were for you.

29. If you never went to the police, please explain why.

30. If you never had your matter brought to the formal attention of the authorities (JCF, Victim Services Division etc.) who did you disclose your trafficking situation to and what sort of support did you receive from them?

31. What were your immediate needs after being rescued?

32. What are your current needs?

Recommendation

33. What advice do you have for vulnerable individuals?

34. What sort of improvements would you say are necessary to increase the level of support to victims of trafficking in Jamaica?

Appendix 4: Evaluation Tool - Integrated Trafficking in Persons Information System and Database

Questionnaire Evaluating the Integrated Trafficking in Persons Information System and Database

Demographics

1. What is the name of this Ministry/Department/Agency? _____

2. What is your post within the organization? _____

Process Questions

3. Are you aware of the objectives of the Integrated Trafficking in Persons Information System and Database? Yes No

[If no, skip to question 5]

4. If yes to question 3, what are the objectives of the Integrated Trafficking in Persons Information System and Database?

- i. Are these objectives being met? Yes No Don't Know

- ii. If not, which one/s? _____

- iii. Why not? _____

5. Was the system implemented as originally intended? Yes No Don't Know

- i. If no, in what way/s? _____

6. To what extent did the system adhere to its intended design and usage?

(Rate below with 1 being 'to a very small extent' and 5 being 'to a great extent').

i. Design	1	2	3	4	5
i. Usage	1	2	3	4	5

7. Were the resources sufficient to fully implement the system? Yes No

8. If no to question 7, what limitations were encountered?

9. Were the staff members trained to use the system? Yes No

10. Were there any Standard Protocols (SOPs) developed for using the system? Yes No

11. Did the staff feel capable of implementing the activities as planned? Yes No

i. If no, why not?

12. What is the process associated with collecting data for the database?

13. Who is responsible for keeping the database up-to-date?

i. _____

i. Is this person trained to use the system? Yes No

14. Are there any standard protocols (SOPs) for eliciting information from victims?

Yes No

i. If yes, what are they? _____

15. Are there any factors that impede the data collection process? Yes No

i. If yes, what are they? _____

16. Are there any factors that impede the analytic (data analysing) process? Yes No

	Bi-weekly	Monthly	Every 4 months	Once a year	Never
1. How often is the database updated?	1	2	3	4	5
2. How often is the database frame revised?	1	2	3	4	5
3. How satisfied are you with the system in terms of:	Very satisfied	Satisfied	Neutral	Somewhat dissatisfied	Very dissatisfied
a) The input of data	1	2	3	4	5
b) The access/ accessibility	1	2	3	4	5
c) Security	1	2	3	4	5
d) Upgrade/s	1	2	3	4	5
e) Design	1	2	3	4	5
f) Usage	1	2	3	4	5
g) The input of data	1	2	3	4	5
h) Function/s	1	2	3	4	5

i. If yes, what are they? _____

17. Are there any factors that impede the reporting process? Yes No

i. If yes, what are they? _____

18. How is the database currently being used?

19. What method is used to verify the data?

20. Who currently has access to the database?

i. For update? _____

ii. For review? _____

21. Is the data/database secured? Yes No

i. How? _____

Outcome Questions

Effectiveness:

22. To what extent is the Integrated Trafficking in Persons Information System and Database achieving the objectives it was intended to accomplish?

To a great extent	To a moderate extent	To some extent	To a small extent	Not at all
1	2	3	4	5

Cost-effectiveness

23. Is the programme cost-effective? Yes No

i. If yes, in what ways?

ii. If not, in what ways?

Monitoring

24. What systems are in place to monitor the cases (data) that have been entered into the system?

25. Are there any identified gaps relating to the database? Yes No

i. If yes, what are the gaps?

General

26. How does the system aid in protecting the rights of the victims?

27. Has the system contributed to the development of any national policies, programmes and/or strategies to prevent, protect and prosecute Trafficking In Persons?

Yes No

i. If yes what are they?

28. What are the current limitations of the Trafficking In Persons System and Database?

29. Please state any further concerns or recommendations relating to the Trafficking In Persons System and Database

Thank you for your participation in this survey.



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