



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

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

Concluding observations on Jamaica in the absence of a report*

1. In the absence of a report by the State party, the Committee considered the situation in Jamaica with respect to the implementation of the Convention at its 345th and 346th meetings (see CMW/C/SR.345 and 346), held on 4 and 5 April 2017. On the basis of the replies received from the delegation of the State party and information from, inter alia, other United Nations bodies and mechanisms, the Committee adopted, at its 358th meeting, held on 13 April 2017, the following concluding observations.

A. Introduction

2. Jamaica acceded to the Convention on 25 September 2008. The State party was under the obligation to submit its initial report under article 73 (1) of the Convention by 1 January 2010. In the absence of the report, in accordance with rule 31 bis of its rules of procedure (see A/67/48, para. 26), at its twenty-third session, held in August-September 2015, the Committee adopted a list of issues prior to the submission of the initial report (CMW/C/JAM/QPR/1), which was transmitted to the State party on 29 September 2015.

3. The Committee regrets that the State party did not submit a reply to the list of issues, which would have constituted its report under article 73 of the Convention, despite numerous formal and informal requests to do so. The Committee considers that the State party has failed to comply with its obligations under article 73 of the Convention.

4. The Committee notes the efforts made by the delegation to provide the information requested during the dialogue. The Committee regrets that the delegation, which was composed of the representatives of the Permanent Mission of Jamaica to the United Nations Office and other international organizations in Geneva, was unable to fully provide detailed information. The Committee emphasizes the importance of having technical experts among the members of the State party's delegation to provide pertinent responses during the dialogue.

5. The Committee is aware that Jamaica, as primarily a country of origin for migrant workers and members of their families, has made some progress in protecting the rights of its nationals abroad. However, it notes that the State party faces difficulties in terms of protecting the rights of nationals on their return to the State party.

6. The Committee also notes that some of the countries in which Jamaican migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by those migrant workers of their rights under the Convention.

* Adopted by the Committee at its twenty-sixth session (3-13 April 2017).



7. The Committee further notes that the migratory processes in the State party comprise intraregional and interregional movements, mainly in the direction of North America and Europe, and the existence of a migrant population predominantly from Commonwealth countries.

B. Positive aspects

8. The Committee welcomes the State party's efforts to combat poverty and inequality, which are some of the primary causes of emigration, and the implementation of Vision 2030 Jamaica, the national human development plan.

9. The Committee notes with appreciation the ratification of or accession to:

(a) The Convention on the Reduction of Statelessness, in January 2013;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in August 2011;

(c) The United Nations Convention against Transnational Organized Crime and two of its protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, in 2003.

10. The Committee welcomes the adoption of the following legislative measures:

(a) The Criminal Justice (Suppression of Criminal Organizations) Act of 2014;

(b) The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 (amended in 2013);

(c) The National Minimum Wage (Amendment) Order of 2011; and

(d) The Child Pornography (Prevention) Act of 2009.

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

(a) The National Action Plan to Combat Trafficking in Persons (2015-2018);

(b) The National Plan of Action on Child Labour (2013);

(c) The Jamaica Emergency Employment Programme (2012);

(d) The National Refugee Policy (2009).

C. Principal subjects of concern and recommendations

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

Legislation and application

12. The Committee commends the State party for the adoption of legislation on trafficking and refugees that contributes to the implementation of the Convention. However, the Committee is concerned that several laws on migration are obsolete and that the State party has not harmonized them with the Convention. The Committee is particularly concerned that the Deportation (Commonwealth Citizens) Act, the Aliens Act (Cap. 9) and the Immigration Restriction (Commonwealth Citizens) Act criminalize irregular immigration.

13. **The Committee recommends that the State party:**

(a) **Undertake legislative reform to repeal obsolete legislation and harmonize legislation on migration with the Convention and other human rights treaties;**

(b) **Decriminalize irregular immigration and take the steps necessary to ensure that its national policies and laws, in particular the Deportation (Commonwealth Citizens) Act, the Aliens Act and the Immigration Restriction**

(Commonwealth Citizens) Act, do not adversely affect the human rights of migrant workers and members of their families, in line with the Convention.

Articles 76 and 77

14. **The Committee recommends that the State party consider making the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights established by the Convention.**

Ratification of relevant instruments

15. **The Committee recommends that the State party consider ratifying or adhering to the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.**

Comprehensive policy and strategy

16. The Committee notes the measures taken by the State party to combat poverty and inequality, the leading causes of emigration. The Committee notes the delegation's response that the State party has developed a policy and plan of action on migration was completed. However, the Committee regrets the lack of information on the extent to which that policy and national action plan uphold the rights guaranteed under the Convention.

17. **The Committee recommends that the State party ensure that its policy and action plan on migration fully implement the provisions of the Convention. The Committee invites the State party to include in its next periodic report updated information, supported by statistics, on specific measures taken to implement the rights of migrant workers set out in the Convention, both in law and in practice, including economic, social and related measures aimed at addressing the root causes of Jamaican migration, including irregular migration.**

Coordination

18. The Committee commends the State party for establishing three inter-agency coordination committees in 2010, namely the work permit committee, the free movement of persons committee and the National Taskforce against Trafficking in Persons. However, the Committee is concerned that the coordination role played by the Ministry of Foreign Affairs and Foreign Trade relates to human rights in general, and there is insufficient information on the coordination of the main agencies focusing on migration. The Committee is also concerned at their inadequate interaction with civil society organizations.

19. **The Committee recommends that the State party ensure that the existing interministerial committee on human rights has a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should ensure that this coordinating body is provided with the necessary human, technical and financial resources for its effective operation and the coordination of the above-mentioned bodies.**

Data collection

20. The Committee welcomes the establishment of the Statistical Institute of Jamaica and the development of a National Diaspora Policy aimed at mapping the Jamaican diaspora, as well as the project on data collection with support from the International Organization for Migration. However, it regrets the absence of disaggregated statistical information that would enable it to assess the extent to which the rights set out in the Convention are implemented in the State party, including with regard to Jamaican migrant workers abroad and the situation of returnees. The Committee also regrets the lack of statistical and qualitative information on migrant workers from Commonwealth and other countries who are in an irregular situation in the State party mainly as a result of

overstaying their officially sanctioned stay, as well as the lack of information on the coordinating role of the Statistical Institute of Jamaica with regard to collecting and sharing information on the rights of migrant workers and members of their families, including those in an irregular situation, as set out in the Convention.

21. **The Committee recommends that the State party ensure that the Statistical Institute of Jamaica collects comprehensive data covering all aspects of the Convention, including on migrant workers in the State party, in particular those in an irregular situation and nationals working abroad. It encourages the State party to compile information and statistics disaggregated by sex, age, nationality, reason for entry and departure from the country and type of work performed, in order to effectively evaluate the impact of relevant policies, in line with target 17.18 of the Sustainable Development Goals. In cases where it is not possible to obtain precise information, for example, in the case of migrant workers in an irregular situation, the Committee requests the State party to provide data based on studies or estimates. The Committee also recommends that the State party ensure that the Statistical Institute of Jamaica is provided with adequate human and financial resources, and that collaboration with embassies and consulates of the State party is enhanced to facilitate the compilation of data on Jamaicans working abroad, including a systematic evaluation of the situation of irregular migrant workers and returnees.**

Independent monitoring

22. The Committee is concerned that the State party has not yet established an institution with broad competence in the field of human rights, including migration, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

23. **The Committee recommends that the State party establish a national human rights institution with a broad mandate to effectively promote and protect the rights of migrant workers and members of their families under the Convention, including investigative powers relating to all issues concerning the human rights of migrant workers and members of their families, regardless of status, and to conduct unannounced visits to all places where migrant workers and members of their families may be deprived of their liberty. The Committee also recommends that a national human rights institution be established in full compliance with the Paris Principles.**

Training on and dissemination of information about the Convention

24. The Committee commends the State party for providing some training to the judiciary and government officials on human rights in general. The Committee is concerned that the State party only disseminates domestic laws and not the Convention. The Committee is particularly concerned by the lack of clarity with regard to the specific role of the Ministry of Labour and Social Security in disseminating information to migrant workers and members of their families about their rights under the Convention.

25. **The Committee recommends that the State party develop education and training programmes on the provisions of the Convention. It also recommends that such training should be made available to all officials and person working in migration-related areas, including at the local level. The Committee also recommends that the State party ensure that migrant workers and members of their families have access to information on their rights under the Convention, both in Jamaica and destination countries where migrant workers and their families are living.**

Participation of civil society

26. The Committee is concerned by the absence of mechanisms to ensure that civil society and representatives of the main organizations and institutions involved in migration issues can participate in the planning and implementation of migration policy, policies to protect migrants abroad and policies to address the causes of migration.

27. **The Committee recommends that the State party:**

(a) **Facilitate the work done by civil society organizations with migrant workers, in both regular and irregular situations, when the purpose of that work is to provide humanitarian assistance, protect rights and provide social assistance to migrant workers and members of their families within the framework of the Convention;**

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

(c) **Systematically involve civil society and non-governmental organizations in the implementation of the Convention and the preparation of the State party's next periodic report.**

2. General principles (arts. 7 and 83)

Non-discrimination

28. The Committee notes the measures taken to prevent discrimination in the State party. However, it is concerned about discriminatory provisions in section 4 of the Immigration Restriction (Commonwealth Citizens) Act, which lists prohibited immigrants, and in section 6 of the Aliens Act, which prescribes the eligibility criteria for entry and prohibits entry to persons with disabilities, among others, notwithstanding the delegation's response that such laws are not enforced.

29. The Committee recommends that the State party take all necessary legislative and policy measures, including by amending the above-mentioned Acts, to ensure that all documented and undocumented migrant workers, and members of their families, both documented and undocumented, living within the territory of the State party or subject to its jurisdiction, enjoy without discrimination the rights recognized by the Convention, in accordance with article 7 thereof.

Right to an effective remedy

30. The Committee notes that the State party has issued bulletins and guidelines through electronic and print media to inform migrant workers of remedies available to them. However, the Committee is concerned about the absence of information on specific examples of the use of administrative, judicial and other remedies by migrant workers and members of their families in the State party. The Committee is also concerned that the information provided to migrant workers with regard to available remedies is of a general nature and that migrant workers and members of their families may not be aware of the existence of specific remedies available to them.

31. The Committee recommends that the State party ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have the same opportunities as nationals of the State party to file complaints and obtain effective redress in the courts in cases where their rights under the Convention are violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in cases where their rights under the Convention have been violated, and particularly the role of the Pay and Conditions of Employment Branch.

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

Labour exploitation and other forms of ill-treatment

32. While welcoming the ratifications of the following International Labour Organization (ILO) conventions: the Domestic Workers Convention, 2011 (No. 189), in October 2016, the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), in November 2005 and the Worst Forms of Child Labour Convention, 1999 (No. 182), in 2003, the Committee is concerned about reports of labour exploitation of migrant

workers, both in regular and irregular situations. The Committee is also concerned about reports regarding sex tourism, domestic servitude, forced and child labour and commercial sexual exploitation, and the lack of information on measures taken to combat such abuses.

33. **The Committee recommends that the State party:**

(a) **Take all necessary measures to protect migrant workers, particularly in respect of upholding their labour rights and protecting them against all forms of exploitation, especially sexual and labour exploitation;**

(b) **Increase labour inspections and prosecute, punish and sanction persons or groups exploiting migrant workers or subjecting them to forced labour and abuse, especially in the informal economy, in line with target 8.8 of the Sustainable Development Goals;**

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

34. The Committee is concerned about the lack of information on measures in place to combat racism, xenophobia, discriminatory conduct, ill-treatment and violence directed at migrant workers and members of their families. The Committee is particularly concerned about the lack of information on the situation of foreign migrant workers in the State party, including migrant workers of African origin, particularly those from West Africa.

35. **The Committee recommends that the State party:**

(a) **Provide data disaggregated by age, sex and nationality on incidents of xenophobia, ill-treatment and violence directed at migrant workers and members of their families, and information on the situation of migrant workers in the State party, including those of African origin, particularly those from West Africa;**

(b) **Intensify efforts to combat racism and xenophobia, including by prosecuting perpetrators and conducting awareness-raising campaigns, and provide assistance to victims.**

Due process, detention and equality before the courts

36. The Committee regrets that under section 9 of the Aliens Act, detention of irregular migrants is not an exceptional measure of last resort, and that the Act leaves it to the discretion of the responsible minister to determine the manner of detention. It also regrets reports about the practice of the detention of migrant workers apprehended in international waters. The Committee also regrets the lack of information regarding access by migrant workers and members of their families to due process safeguards in criminal and administrative migration proceedings, and the lack of information on any detention proceedings involving migrant workers or members of their families in the State party.

37. **The Committee recommends that the State party ensure that its national laws, policies and practices adequately respect the right to liberty and the prohibition of arbitrary detention of migrant workers and members of their families, and in particular that it:**

(a) **Amend the Aliens Act to include, as a priority response to irregular migration, alternatives to detention for migration-related administrative infractions and measures to ensure that detention is used only as an exceptional measure of last resort, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families;**

(b) **Ensure due process in all detention procedures within the State party's jurisdiction, including in international waters;**

(c) **Ensure that family members and children are not detained on the basis of their immigration status or, in the case of children, their parents' status and adopt alternatives to detention that allow children to remain with family members and/or guardians;**

(d) **Decriminalize irregular migration and ensure that migrant workers and members of their families have access to legal aid, effective remedies, justice and consular services, and that the guarantees enshrined in the Convention are upheld, in full compliance with articles 16 and 17 of the Convention;**

(e) **Provide information on the number of migrant workers arrested, detained and expelled for immigration-related infractions, the reasons for their detention and expulsion and their detention conditions, including the length of detention.**

Migrants held in detention and other abuses

38. The Committee is concerned about the poor conditions, including overcrowding and poor sanitation, in places of deprivation of liberty in the State party. The Committee is also concerned about reports of excessive use of force by law enforcement personnel when conducting arrests. The Committee is particularly concerned about the absence of information regarding the treatment of migrant workers and members of their families who have been arrested and placed in detention.

39. **The Committee recommends that the State party:**

(a) **Effectively investigate all cases of excessive use of force and other human rights abuses of detained migrants and provide on a regular basis mandatory human rights training for all law enforcement officials, with a view to preventing such violations;**

(b) **Ensure that all migrants and members of their families are not subjected to excessive use of force by law enforcement personnel when effecting arrests and that, at the time of arrest, they are promptly informed about the reasons for their arrest, their rights and the charges against them in a language they understand;**

(c) **Ensure that migrants are detained only in facilities officially designated for this purpose;**

(d) **Ensure that all facilities provide adequate basic services, including food, health care, hygienic conditions and access to outdoor areas.**

Expulsion

40. The Committee is concerned about the lack of information regarding due process procedures in place, particularly in cases where migrant workers and members of their families have challenged the decision to expel them. The Committee is also concerned about:

(a) The lack of disaggregated statistical data on undocumented and irregular migrant workers and members of their families who have been expelled or are subject to expulsion procedures in the State party;

(b) The lack of information on the number of Haitian migrants who may have entered or remained in the State party following the earthquake in 2010, and the repatriation of 62 Haitians about a week after their arrival following the earthquake;

(c) The lack of information on the number of Jamaicans who have been expelled from Canada, Trinidad and Tobago and the United States of America.

41. **The Committee recommends that the State party provide information in the next periodic report on:**

(a) **Steps taken to ensure that migrant workers who are subject to an administrative deportation or expulsion order are aware of and exercise their right to appeal;**

(b) **Undocumented and irregular migrant workers and members of their families who have been expelled or are subject to expulsion procedures in the State party, specifying whether such remedies have a suspensive effect, in line with article**

22 of the Convention, and whether migrant workers have access to both administrative and judicial mechanisms;

(c) The process of repatriation for Haitian migrants who may have entered or remained in the State party following the earthquake in 2010;

(d) Measures in place to ensure that countries of destination fully observe procedural safeguards for all Jamaican migrant workers and members of their families, including legal aid and the right to an effective remedy, and substantive guarantees, such as the right to family life and the principle of non-refoulement.

Consular assistance

42. The Committee is aware of the State party's efforts, which include the development of consular protection initiatives in countries of destination. While noting the existence of consular and diplomatic representation in most countries of destination for Jamaican migrant workers, including Canada and the United States, and the existence of liaison offices, the Committee is concerned by the lack of data regarding specific instances when consular assistance has been provided to migrant workers and members of their families to ensure the protection of their rights.

43. The Committee recommends that the State party take the necessary steps to ensure that its consular services effectively meet the needs of Jamaican migrant workers and members of their families in terms of protecting their rights and providing assistance. In particular, it recommends that the State party:

(a) Formulate a policy on consular protection designed to protect the rights of migrant workers and members of their families abroad;

(b) Provide sufficient human and financial resources to effectively implement protection measures;

(c) Strengthen the programmes of the Ministry of Foreign Affairs and Foreign Trade aimed at providing training to consular staff in liaison offices on the Convention and other human rights instruments;

(d) Develop a standardized tool for the collection of quantitative and qualitative data by Jamaican consulates, specifically designed to show to what extent the rights of Jamaican migrant workers and members of their families who are detained in and deported from countries of destination are protected or infringed, and to record the reasons for migration given by persons who receive consular assistance.

Remuneration and conditions of work

44. The Committee notes that the Ministry of Labour and Social Security monitors conditions of work and protects migrant workers from misleading advertising by private employment agencies. While noting that the Employment (Equal Pay for Men and Women) Act will be amended, the Committee is concerned about the lack of information on the monitoring and implementation of the principle of equal pay for work of equal value, specifically with regard to migrant workers. The Committee is also concerned about the lack of data on actual cases involving non-compliance with the above-mentioned principle by employers of migrant workers and on the working conditions of migrant workers.

45. The Committee urges the State party to:

(a) Collect data on cases involving non-compliance with the principle of equal pay for work of equal value, including sanctions imposed on non-compliant employers;

(b) Ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals in respect of remuneration, and that this is strictly enforced through regular and unannounced labour inspections in sectors where migrant workers are employed, in line with target 8.8 of the Sustainable Development Goals;

(c) **Ensure access to justice to migrant domestic workers and strengthen labour inspection services to effectively monitor conditions of domestic work and to receive, investigate and address complaints of alleged violations.**

Education

46. The Committee commends the ratification of the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in 2006. While noting that, under the Child Care and Protection Act of 2004, all children below the age of 18 are required to attend school, irrespective of their migration status, the Committee regrets the lack of information concerning the general situation regarding access to education for children of migrant workers in the State party.

47. **The Committee recommends that the State party provide information in its next periodic report on the general situation regarding access to education for children of migrant workers, irrespective of their migration status.**

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

Pre-departure and right to be informed

48. The Committee notes the significant number of Jamaican seasonal and temporary workers who travel to the United States, and Canada under the temporary foreign workers programme and the Seasonal Agricultural Workers Programme. While noting that the State party prepares prospective Jamaican migrant workers for their work in destination countries, the Committee is concerned by the lack of information on the content of pre-departure information and other programmes aimed at raising awareness of the rights of migrant workers and members of their families under the Convention.

49. **The Committee recommends that the State party develop targeted pre-departure and awareness-raising programmes, including in consultation with relevant non-governmental organizations, migrant domestic workers and their families and recognized and reliable recruitment agencies. The State party should also establish follow up programmes for protecting migrant workers' rights within the framework of overseas bilateral agreements. In the light of its general comment No. 1 (2011) on migrant domestic workers, the Committee recommends that the State party take appropriate measures to disseminate information on the rights of domestic migrant workers under the Convention, their conditions of admission and employment and their rights and obligations under the law and practice of States of employment.**

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

50. The Committee notes the efforts of the State party to facilitate the right to participate in public affairs and the right to vote for Jamaican migrant workers abroad by initiating discussions in this regard. However, the Committee is concerned that very limited progress has been made to realize this right.

51. **The Committee recommends that the State party take measures, including those of a legislative nature, to ensure the implementation of the right to vote in the State party for Jamaican migrant workers residing abroad.**

Right to transfer earnings and savings

52. The Committee notes that under the Overseas Employment Programme, Jamaicans can pay a portion of their earnings into a savings plan, which was monitored by the Ministry of Labour and Security. The Committee is, however, concerned about the lack of information regarding flows of remittances and the costs incurred by migrant workers in the State party when transferring funds.

53. **The Committee recommends that the State party provide information in its next periodic report on flows of remittances from countries where Jamaican migrants**

and members of their families work, on the costs incurred by them when transferring funds and on available facilities for the transfer of remittances.

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

Children in situations of international migration

54. The Committee commends the State party for its comprehensive efforts to protect the rights of the children of Jamaican migrants remaining behind, popularly known as “barrel children”. However, the Committee regrets the lack of information on the number of children that have returned to the State party and the policies aimed at facilitating their effective reintegration. It also regrets that under the Immigration Restriction (Commonwealth Citizens) Act, children under 16 who are dependants of a prohibited immigrant are considered prohibited immigrants.

55. The Committee recommends that the State party:

(a) **Intensify efforts to promote and protect the rights of children and families of Jamaican workers, in particular through education, entrepreneurial, training and community welfare programmes, and further its cooperation to that effect with civil society actors in situ and in the country of origin;**

(b) **Conduct nationwide research on the subject of children of migrant workers in situ and those remaining behind in the country of origin to establish the demographic profile of this population, in order to guide government policies and programmes;**

(c) **Provide information in its next periodic report on the measures taken to facilitate the resettlement and reintegration of Jamaican migrant workers on their return, including reunification with their children who remained behind in Jamaica;**

(d) **Amend the Immigration Restriction (Commonwealth Citizens) Act to protect the children of prohibited immigrants, including unaccompanied children;**

(e) **Provide information on the birth registration of children born to Jamaican migrant workers abroad and the children of migrant workers born in Jamaica, regardless of the immigration status of their parents.**

International cooperation with countries of transit and destination

56. The Committee notes that the bilateral and multilateral agreements that the State party has concluded with countries in the Caribbean community only promote the free movement of skilled persons. Although it appreciates the statistics provided by the delegation on the number of Jamaicans who have benefited from the Overseas Employment Programme, the Committee is concerned about the absence of information regarding the State party’s assessment of the compliance of this programme with the State party’s obligations under the Convention.

57. The Committee recommends that the State party:

(a) **Take full advantage of bilateral and regional mechanisms in order to advance the rights of Jamaican migrant workers and members of their families under the Convention;**

(b) **Engage in dialogue within the Caribbean community aimed at establishing regional initiatives with regard to all migrant workers, including those in an irregular situation, based on their rights under the Convention and other human rights and labour treaties;**

(c) **Evaluate the effectiveness of the Overseas Employment Programme and its compliance with the State party’s obligations under the Convention, in order to protect the rights of Jamaican migrant workers, and provide information in this regard in its next periodic report.**

Recruitment agencies

58. The Committee notes that recruitment agencies are regulated under the Recruitment Agencies Regulation Act, adopted in 1957 and that inspections are conducted to ensure compliance with the law. However, the Committee is concerned by the lack of information regarding cases where recruitment agencies that charge excessive fees for their services or act as intermediaries for foreign recruiters who may subject employees to abusive working conditions, have been investigated and sanctioned.

59. **The Committee recommends that the State party intensify its efforts, including periodic inspections, to prevent private recruitment agencies from charging excessive commissions for their services and from acting as intermediaries for unscrupulous foreign recruiters. The Committee also encourages the State party to provide information in its next periodic report on measures taken to investigate and prosecute illegal practices by recruiters, with a view to punishing those involved in exploitative practices.**

Return and reintegration

60. The Committee notes the large number of Jamaicans who have been repatriated, both voluntarily and forcibly, in particular from the United States, Canada and European countries. The Committee is, however, concerned about the lack of information on the specific measures taken to protect the rights of returning Jamaican migrant workers and members of their families and to promote their reintegration.

61. **The Committee recommends that the State party take measures to ensure the appropriate social, economic and other conditions necessary to facilitate the return and durable reintegration solutions, including in regards to decent jobs for all migrant workers that return — including those from circular migration programmes, of Jamaican migrant workers and members of their families in the State party, as provided for in article 67 of the Convention and in line with target 10.7 of the Sustainable Development Goals.**

Causes of migration and prevention of irregular migration

62. The Committee notes with concern reports that emigration is mostly driven by poverty, unemployment, social exclusion and discrimination, including violence targeting lesbian, gay, bisexual and transgender persons, which may put Jamaican migrant workers and members of their family in precarious and/or insecure situations.

63. **The Committee recommends that the State party invest in sufficient social protection systems to ensure that poverty, other social factors or discrimination do not force people into situations of precarious labour migration and, within the context of the 2030 Agenda for Sustainable Development and other international and national policy initiatives, promote decent work opportunities for people at home.**

Trafficking in persons

64. The Committee welcomes the significant legislative and regulatory measures adopted by the State party to combat trafficking in persons, such as the Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 (amended in 2013), the National Action Plan to Combat Trafficking in Persons (2015-2018) and the appointment of a National Rapporteur on Trafficking in Persons in 2015. The Committee also welcomes the State party's cooperation with civil society organizations within the framework of the Theodora Project to ensure the reintegration of women victims of trafficking. However, the Committee is concerned about:

- (a) The lack of studies, analyses and disaggregated data available to assess the extent of trafficking in the State party;
- (b) The lack of information on the funding of shelters for victims of trafficking;
- (c) The lack of information on the measures taken to combat sexual exploitation, particularly sex tourism.

65. The Committee recommends that the State party:

(a) Intensify the systematic collection of data disaggregated by sex, age and origin in order to effectively combat trafficking in human beings and all forms of exploitation, including commercial sexual exploitation and forced labour and services;

(b) Step up campaigns aimed at preventing trafficking in migrant workers and protecting them from labour and sexual exploitation, in line with target 5.2 of the Sustainable Development Goals;

(c) Improve the training of law enforcement officials, including the coast guard, judges, prosecutors, labour inspectors, teachers, health-care providers and the State party's embassy and consular personnel, disseminate widely information to prevent and combat trafficking in persons and provide assistance to victims;

(d) Provide adequate assistance, protection and rehabilitation services to all victims of trafficking, in particular through shelters and projects aimed at their reintegration and repatriation;

(e) Strengthen mechanisms for investigating cases of sexual exploitation, particularly sex tourism and trafficking in persons, and for prosecuting and punishing offenders;

(f) Intensify international, regional and bilateral cooperation to prevent and combat trafficking in persons.

6. Dissemination and follow-up

Dissemination

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

7. Technical Assistance

67. The Committee recommends that the State party avail itself of international assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development.

8. Next periodic report

68. The Committee requests the State party to submit its combined initial and second periodic report by 1 May 2019. In doing so, the State party may wish to follow the simplified reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (HRI/GEN.2/Rev.6).
