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**STATUS OF HUMAN RIGHTS IN JAMAICA  
FOR THE 50<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## **Status of Human Rights in Jamaica for the 50<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Jamaica for the 50<sup>th</sup> session of the Universal Periodic Review (UPR).

### **Background**

2. Jamaica is a country located in the West Indies and has a population of approximately 2.7 million people.<sup>1</sup> The country is predominately Christian, with approximately 84.55% of the population identifying as Christian, 10.15% as Spiritist, and 4.17% as non-religious.<sup>2</sup>

3. Jamaica's last review was held on November 11, 2020.<sup>3</sup> As a result of the review, Jamaica received 170 recommendation, 120 of which it accepted.<sup>4</sup> It was recommended by the United Kingdom of Great Britain and Northern Ireland, and supported by Jamaica, that the government:

Improve effectiveness of victim identification and support for victims of human trafficking by developing victim-centered, trauma-informed procedures in law enforcement operations, investigations and criminal justice proceedings, and increase efforts to investigate, prosecute and convict traffickers.<sup>5</sup>

4. No recommendations were made regarding religious freedom.

### **Legal Framework**

5. Under Article 4 Sec. 6 of Jamaica's Trafficking in Persons Act:

A person who commits the offence of trafficking in persons or who facilitates that offence is liable on conviction on indictment before a Circuit Court to a fine

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<sup>1</sup> *Jamaica*, BRITANNICA, <https://www.britannica.com/place/Jamaica> (last visited Mar. 28, 2025).

<sup>2</sup> *Jamaica: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASS'N OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=116c> (last visited Mar. 28, 2025).

<sup>3</sup> *Universal Periodic Review*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/jm-index> (last visited Mar. 28, 2025).

<sup>4</sup> *Jamaica – Infographic*, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/JM/infographic-JAMAICA.pdf> (last visited Mar. 28, 2025).

<sup>5</sup> OHCHR, UPR of Jamaica (3rd Cycle – 36th Session) Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session36/JM/UPR36\\_Jamaica\\_Thematic\\_List\\_of\\_Recommendations.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session36/JM/UPR36_Jamaica_Thematic_List_of_Recommendations.docx) (last visited Mar. 28, 2025).

or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.<sup>6</sup>

6. Jamaica is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>7</sup> Article 8 of the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>8</sup>

7. Additionally, Jamaica is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>9</sup> Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons; especially women and children, from revictimization.<sup>10</sup>

## Human Trafficking

8. Jamaica serves as both a source and destination country for human trafficking.<sup>11</sup> Women, in particular, are targeted using promises of employment opportunities.<sup>12</sup> However, instead of receiving employment, these women are sexually exploited.<sup>13</sup> The head of the Anti-Trafficking in Persons Unit, Counter Terrorism and Organized Crime Investigations Branch shared that all identified women who were trafficked from Jamaica to other countries were sexually exploited.<sup>14</sup> As a destination country, foreigners from other Caribbean countries, the United States, and the United Kingdom, have been trafficked to Jamaica and are forced into labor.<sup>15</sup>

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<sup>6</sup> THE TRAFFICKING IN PERSONS (PREVENTION, SUPPRESSION AND PUNISHMENT) ACT art. 4 § 6, <https://www.mns.gov.jm/natfatip/wp-content/uploads/2021/07/The-Trafficking-in-Persons-Prevention-Suppression-and-Punishment-Act.pdf>.

<sup>7</sup> *Ratification Status for Jamaica*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=86&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=86&Lang=EN) (last visited Mar. 28, 2025).

<sup>8</sup> International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR] (last visited Mar. 28, 2025).

<sup>9</sup> *Chapter XVII Penal Matters: a Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, U.N. TREATY COLLECTION, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18) (last visited Mar. 28, 2025).

<sup>10</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons> (last visited Mar. 28, 2025).

<sup>11</sup> *10 Jamaican Women Trafficked Within the Region Last Year*, LOOP (Sep. 2, 2024), <https://www.loopnews.com/content/10-jamaican-women-trafficked-within-the-region-last-year/>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Jamaica*, GLOB. ORGANIZED CRIME INDEX, <https://ocindex.net/country/jamaica> (last visited Mar. 28, 2025).

9. The Anti-Trafficking in Persons Unit was created as part of the Jamaica Constabulary's efforts to combat human trafficking in 2005.<sup>16</sup> However, as we will demonstrate, Jamaica has failed to protect victims of human trafficking and bring perpetrators to justice. In fact, since the Trafficking in Persons Act was enacted in 2007, there have only been eight human trafficking convictions in Jamaica.<sup>17</sup> Inhibiting Jamaica's efforts to combat and prosecute cases of human trafficking effectively is the lack of cooperation of victims.<sup>18</sup> Often, victims of human trafficking have experienced a significant amount of trauma, and it is difficult for them to open up to prosecutors to provide the information and evidence needed to prosecute human traffickers.<sup>19</sup> Additionally, victims grow frustrated over the length of trials and they do not want to participate.<sup>20</sup> For example, in 2024, three individuals were charged for trafficking two women and forcing them into prostitution.<sup>21</sup> However, because the witnesses were reluctant to appear in court and provide evidence, the prosecutor could not prosecute the case.<sup>22</sup> As a result of not being able to offer any evidence, the three alleged human traffickers were released.<sup>23</sup>

10. Further inhibiting Jamaica's efforts to combat human trafficking is a lack of social awareness.<sup>24</sup> Many victims of human trafficking do not realize they are victims and are being exploited.<sup>25</sup> Because of this, they often do not report their situation to authorities or seek help.<sup>26</sup> Additionally, many people do not see that human trafficking is a problem. Senator Donna Scott Mottley stressed the need for people to take action when they see potential acts of human trafficking:

When we see it before our eyes, when we see it taking place, don't turn a blind eye, try and do something, make a report, make a call, say something to the police. I was told the other day that there is actually a community where it is almost standard that the men take the young girls in. Almost standard. Nobody thinks it is a problem. How can we show Jamaica that it is a problem?<sup>27</sup>

11. Jamaica's failure to effectively combat human trafficking has left its citizens vulnerable to the dangers of this heinous crime. Below we have highlighted a few examples of what the victims of human trafficking are subjected to.

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<sup>16</sup> Shelly-Ann Irving, *JCF Boosts Anti-Trafficking in Persons Training*, JAMAICA INFO. SERVS. (July 8, 2016), [https://jis.gov.jm/jcf-boosts-anti-trafficking-persons-training/?utm\\_source=chatgpt.com](https://jis.gov.jm/jcf-boosts-anti-trafficking-persons-training/?utm_source=chatgpt.com).

<sup>17</sup> Lisa Rowe, *Jamaica Making Strides in Combatting Trafficking in Persons*, JAMAICA INFO. SERVS. (July 31, 2023), <https://jis.gov.jm/features/jamaica-making-strides-in-combatting-trafficking-in-persons/>.

<sup>18</sup> Christopher Thomas, *Trafficking Victims Must Get Counselling to Pursue Justice, Say Stakeholders*, THE GLEANER (Dec. 11, 2024), <https://jamaica-gleaner.com/article/news/20241211/trafficking-victims-must-get-counselling-pursue-justice-say-stakeholders>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Alleged Human Traffickers Walk Free*, JAMAICA OBSERVER (Apr. 23, 2024), <https://www.jamaicaobserver.com/2024/04/23/alleged-human-traffickers-walk-free/>.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Jamaica On the Lookout for Human Trafficking*, ST. KITTS & NEVIS OBSERVER (July 31, 2024), <https://www.thestkittsnevisobserver.com/jamaica-on-the-lookout-for-human-trafficking/>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *J'cans Urged to be More Alert to Stop Human Trafficking*, THE GLEANER (Nov. 13, 2021), [https://jamaica-gleaner.com/article/lead-stories/20211113/jcans-urged-be-more-alert-stop-human-trafficking#google\\_vignette](https://jamaica-gleaner.com/article/lead-stories/20211113/jcans-urged-be-more-alert-stop-human-trafficking#google_vignette).

12. In June 2023, a thirty-seven-year-old man was charged with human trafficking, false imprisonment and benefiting from human trafficking.<sup>28</sup> The man had offered a woman a place to stay, which she accepted.<sup>29</sup> Between March 2022 and February 2023, the man kept her locked inside a house and beat, threatened, and sexually exploited her for financial gain.<sup>30</sup>

13. In February 2023, a man was sentenced to ten years in prison for human trafficking and was also ordered to compensate his victim for the amount of \$18,337.<sup>31</sup> His wife was ordered to either pay a fine or serve three years in prison for her role in human trafficking.<sup>32</sup> The couple had lured their victim to Jamaica by promising him work at a jewelry store.<sup>33</sup> However, when the victim arrived in Jamaica, he was forced to live with the couple and was prohibited from making any phone calls.<sup>34</sup> In addition to working at the jewelry store, he was also required to perform domestic work, such as cooking and cleaning.<sup>35</sup>

14. In 2023, a nightclub owner was arrested and charged with human trafficking and profiting from prostitution.<sup>36</sup> When authorities raided the nightclub, they found an underage girl performing sexual acts on an adult.<sup>37</sup>

15. In Jamaica, human trafficking also involves smuggling of individuals out of Jamaica to be exploited in other countries. In fact, the Head of the Anti-Trafficking in Persons Unit, Counter Terrorism and Organized Crime Investigations Branch shared that all identified women who were trafficked from Jamaica to other countries were sexually exploited.<sup>38</sup> For example, in 2023, two individuals were accused of trafficking three Jamaican women to the Bahamas and withholding their passports.<sup>39</sup>

16. Additionally, on April 28, 2021, authorities in Guyana arrested and charged an individual for trafficking two individuals from Jamaica to Guyana.<sup>40</sup> The trafficker lured his victims by promising money in exchange for some farming work in Guyana.<sup>41</sup> The individuals were initially told that they would be working for two weeks but were forced to work for six

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<sup>28</sup> *Trelawny Man Charged with Human Trafficking, False Imprisonment of Woman*, THE GLEANER (June 28, 2023), <https://jamaica-gleaner.com/article/news/20230628/trelawny-man-charged-human-trafficking-false-imprisonment-woman>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Indian Businessman Gets 10 Years in Prison for Human Trafficking*, THE GLEANER (Feb. 24, 2023), <https://jamaica-gleaner.com/article/news/20230224/indian-businessman-gets-10-years-prison-human-trafficking>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Clinton McGregor, *Nightclub Operator Charged at St. Mary Police Probe Suspected Human Trafficking Ring*, RADIO JAMAICA NEWS (Aug. 3, 2023), <https://radiojamaicanewsonline.com/local/nightclub-operator-charged-as-st-mary-police-probe-suspected-human-trafficking-ring>.

<sup>37</sup> *Id.*

<sup>38</sup> *10 Jamaican Women Trafficked Within the Region Last Year*, *supra* note 11.

<sup>39</sup> Pavel Bailey, *Jamaican Woman and Bahamian Man Charged with Human Trafficking*, THE TRIBUNE (Nov. 14, 2023), <https://www.tribune242.com/news/2023/nov/14/jamaican-woman-and-bahamian-man-charged-human-traf/>.

<sup>40</sup> *Man Sentenced to Prison for Trafficking Two Jamaican Nationals*, STABROEK NEWS (Mar. 10, 2023), <https://www.stabroeknews.com/2023/03/10/news/guyana/man-sentenced-to-prison-for-trafficking-two-jamaican-nationals/>.

<sup>41</sup> *Id.*

months without pay.<sup>42</sup> The victims received help after they managed to escape from the work site and reported their situation to the police.<sup>43</sup>

17. Unfortunately, these stories are only of the few who were fortunate enough to get and help and be rescued. Because Jamaica has failed to effectively combat human trafficking, many individuals remain trapped in similar circumstances.

### **Recommendations**

18. To effectively combat human trafficking, Jamaica must allocate more resources to allow prosecutors and authorities to quickly and effectively investigate cases of human trafficking and prosecute human traffickers to the fullest extent of the law. Additionally, providing resources and aid to the victims of human trafficking is critical in ensuring that they can work with authorities to provide the evidence needed to prosecute all cases of human trafficking.

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*