



Last updated: Tuesday, February 7, 2006, 2:08 AM EST

Search  
GO

Advanced Search

- Front Page
- News
- Sports
- Editorial
- Columns
- Letters
- Lifestyle
- Western News
- Contact Us



# TeenAge

## Trafficking of persons and child care protection

### YOUNG PEOPLE LAW

Thalia Maragh, Observer writer  
Tuesday, June 21, 2005

The matter of the trafficking in persons in Jamaica has been in the news recently, following the report by the United States of America that Jamaica has been downgraded from the 2004 assessment of being ranked at Tier 2 in human trafficking to now being ranked at Tier 3, which is the lowest level of the three-tier system. A possible consequence of this "demotion" is the suspension for a year of economic aid from the United States of America as well as from international financial institutions such as the International Monetary Fund (IMF) and the World Bank to Jamaica.

On a positive note however, the resulting discussions have increased the public's awareness of human trafficking and provides an opportunity to garner the energies of the wider society in providing possible solutions to this problem.

What is the meaning of trafficking in persons? Are we aware of the implications for children?

It is therefore necessary for us to firstly, examine whether children can be victims of such trafficking and secondly what, if any protection our laws accord to our children.

#### Trafficking in Persons includes:

the movement or recruiting of persons by the use of threat, force, fraud, deception, abuse of power or as a consequence the vulnerability of the person being moved or recruited. It also includes the giving or receipt of payment in order to have control over the

#### editorial cartoon



#### Lifestyle

[Galaxy of stars on board for Soul Train 20](#)

[Abijah headlines multimedia show](#)

[Blues on the Green returns](#)

#### poll

Who do you think should become the new president of the PNP?

- Karl Blythe
  - Omar Davies
  - Peter Phillips
  - Portia Simpson
- Cast Your Vote
- [View Results](#)



person being moved/ recruited where the purpose of the movement/recruitment of the individual is for the purpose of the exploitation of that person. Additionally, the selling of children is a form of trafficking.

A child defined in section 2 of the Child Care and Protection Act, 2004 as "*a person under the age of eighteen years*", is protected from trafficking by this Act.

Section 10 of the Child Care and Protection Act expressly provides that "*no person shall sell or participate in the trafficking of any child*". This means that trafficking in children is against the law.

Further, the penalty for this offence is quite serious. Any person who is convicted of this offence faces the possibility of a term of imprisonment at hard labour for a period of up to 10 years as well as the possibility of being fined.

It can be argued that poverty and inadequate economic opportunities are factors that take children away from the protection and security of their homes and families, into the urban centres, into night clubs, onto the street, at the stoplights, selling and begging, thereby increasing their vulnerability to incidence of trafficking.

To what extent does the law offer protection to our children against these activities and ultimately, the reduction of the likelihood of our children being targets?

Firstly, except where specifically permitted by the Minister of Labour, it is illegal to employ children under the age of 13 years.

Section 33 of the Child Care and Protection Act provides that "*No person shall employ a child under the age of thirteen years in the performance of any work*."

Further, more extensive protection is accorded by section 34 of this Act which expressly provides that "*No person shall employ a child (a) in the performance of any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual or social development or, (b) in night work or an industrial undertaking*."

A person who is convicted of acting in breach of sections 33 and 34 of the Act faces the possibility of a

maximum penalty of being fined up to \$500, 000 as well as being imprisoned for a term of up to six months.

The law (Child Care and Protection Act section 39) also expressly specifies that it is an offence to employ a child in a nightclub or to use a child for any conduct that is indecent or immoral.

A person who is convicted of this offence faces the possibility of being fined up to \$1 m or a term of imprisonment of up to one year.

It is also an offence to allow or cause a child to beg.

Apart from the Child Care and Protection Act, the Offences Against the Persons Act specifies the offence of Carnal Abuse, which is having sexual intercourse with a girl who is under the age of 16 years.

It is therefore reasonable to conclude that the law firstly recognises the possibility of children being victims of human trafficking and additionally, has safeguards for the protection of our children. Not only in the express statement of the law against "trafficking" but also through the other provisions including that against, child labour, sexual exploitation and begging.

However, the law cannot operate in isolation and the responsibility of protecting our children undoubtedly lies in the collective efforts of all, after all our children are tomorrow's people.

***Thalia Maragh is an Attorney at law,  
Independent Jamaica Council for Human Rights,  
131 Tower Street, Kingston***

**Talk Back**

**Related Articles**

**No comments have been posted**

**No related articles were found**

[Post your comments](#)

[Back to Top](#)

---

[News](#) | [Sports](#) | [Editorial](#) | [Columns](#) | [Lifestyle](#) | [Western News](#) | [All Woman](#) | [2004 Olympics](#) | [TeenAge](#) | [Education](#) | [Food](#) | [Business](#) | [Health](#)

Copyright© 2000-2001 Jamaica Observer. All Rights Reserved. Terms under which this service is provided to you.

e-Business Solutions by **info•exchange**