

National Referral Mechanism for Child Trafficking in Jamaica

Overview

Jamaica's *National Referral Mechanism (NRM) for Child Trafficking* is intended to set out the roles and responsibilities of various government actors and of relevant non-governmental organizations (NGOs), through the five phases of response to a suspected incident of child trafficking:

1. Initial Report of Trafficking and Intake
2. Identification and Investigation
3. Needs Assessment and Referral for Support and Protective Services
 - "Needs assessment" refers to an evaluation of the needs of a trafficking victim for various forms of support and protection. As set forth in this narrative:
 - An assessment of victim needs for support services shall be coordinated by the CPFSA.
 - CPFSA will consult with JCF CTOC for guidance on the security needs of the victim
 - CPFSA will consult with the OCA in the event of any issues relating to the best interests of a child or child rights.
4. Support and Protective Services
5. Reintegration

The NRM relates to all presumed child victims of trafficking in Jamaica, including Jamaican children trafficked within and outside of Jamaica, and third country nationals trafficked in Jamaica. The NRM is informed by the guiding principle that:

- The general principle of this NRM is to ensure that every trafficked child is empowered, supported and protected with a view to ensuring that he/she is effectively rehabilitated and reintegrated into society.

Additional key principles include:

- Respecting the rights of the child trafficking victim, including the child's privacy rights and the child's right to play a role in decisions about his or her future
- Making decisions guided by an assessment of the best interests of the child ("do no harm") and ensuring the child does not suffer from unintended consequences
- Not discriminating based on the gender, race, nationality, age, religion, sexual orientation or other factors

Key Questions

What is Trafficking in Persons?

Trafficking in Persons ("TIP") involves the recruiting, harboring or transfer of a human being for the purpose of exploitation. Most trafficking is for the purpose of sexual exploitation or using the victim

for labour, such as domestic servitude. Under Jamaica's *Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007*, it is not necessary to prove any "means of control"¹ in cases involving children under the age of 18 years.

Trafficking is a modern day form of slavery. TIP is prohibited under Jamaican law by the *Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007* (as amended). Violation of this law is a serious crime, punishable by twenty years in prison. Aggravating circumstances, including trafficking of a child, can result in an additional ten years in prison.²

Who are the victims of trafficking?

Victims of TIP include the most vulnerable groups in society, including men, women, boys, and girls. The trafficking law defines children as persons under 18 years of age.

The term "trafficking" may suggest movement of some kind, but it does not require any kind of physical movement. A person can be trafficked without ever changing location at all. "Trafficking" really refers to the buying and selling of a person and may be generally understood as the exploitation of one or more individuals for the benefit of another.

Many or most trafficking victims are exploited against their will, but some trafficking victims give their consent or actively participate in their own exploitation. Under Jamaican law, an individual can be trafficked regardless of their consent. Jamaica's TIP Act provides that consent of the victim provides no defense to charges of trafficking-in-persons. Thus, an individual can be trafficked regardless of their consent.

What is the role of the Jamaican government in combatting TIP?

The Jamaican government serves three primary roles with regard to TIP.

- First, it is the government's responsibility to proactively identify incidents of child trafficking.
- Second, TIP is a law enforcement matter, and, using a victim-centered approach, Jamaican authorities work together to remove victims from the control of their traffickers, and to investigate, prosecute and punish traffickers.
- Third, once a victim is free of his/her trafficker(s), he or she needs assistance in resuming a normal life. See, for example, ONRTIP's Victim/Survivor's Handbook.

A variety of different Jamaican government agencies play roles relating to TIP.

- From a law enforcement perspective, the **Jamaican Constabulary Force (JCF)** takes a leading role in detecting and investigating child trafficking.

¹ This refers to threats, use of force or forms of coercion, abduction, fraud, deceit or other means for the purpose of controlling another person. Because children are automatically in a position of vulnerability, it is not necessary to prove a "means of control" in a trafficking case.

² https://oig.cepal.org/sites/default/files/2013_jam_act19.pdf

- The JCF has a special branch with responsibility for investigating presumed TIP crimes: the **Counter-Terrorism and Organised Crime Investigation Branch (C-TOC)**.
- With regard to child trafficking, JCF has another specialized unit, the **Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA)**, which investigates such matters.
- Other key Ministries, Departments, and Agencies (MDAs) responsible for the enforcement of legal frameworks include:
 - **Ministry of National Security (MNS)**
 - **Office of the Director of Public Prosecutions (DPP)**
 - **Passport Immigration and Citizenship Agency (PICA)**
 - **Ministry of Foreign Affairs and Foreign Trade (MOFAFT)**
 - **Ministry of Labour and Social Services (MLSS)**
- The lead agency for assuring the welfare of child trafficking victims is Jamaica's **Child Protection and Family Services Agency (CPFSA)**. Other agencies also play key roles, including:
 - The **Office of the Children's Registry (OCR)** receives reports of child abuse, including suspected child trafficking.
 - The **Office of the National Rapporteur on Trafficking in Persons (ONRTIP)** is an oversight body for trafficking matters in Jamaica.
 - The **Office of the Children's Advocate (OCA)** is a Commission of the Jamaican Parliament mandated to enforce and protect the rights and best interests of children.
 - The **National Task Force Against Trafficking in Persons (NATFATIP)** leads the Government of Jamaica's (GOJ's) efforts to coordinate, implement, monitor and evaluate Jamaica's national response to trafficking in persons.
 - The **Ministry of Justice's Victim Support Division (VSD)** provides counselling and preparation for court to victims of crimes, including children.
 - The **Ministry of Education, Youth and Information (MOEYI)** provides educational support according to the needs of the child. They are also able to provide skills training through Jamaica's HEART Trust programme.
 - The **Ministry of Health** provides medical services including medical examinations and care, dental examinations and care, and psychosocial support/counselling.

Stage 1: Initial Report of Trafficking and Intake

The first stage of the national referral mechanism is the initial reporting of trafficking and intake of the matter by government authorities. This involves the detection and reporting of a suspected victim of child trafficking. Reports may come from any one of a number of sources, including community members, "prescribed reporters"³, or other government officials. It is the responsibility of government to proactively identify child trafficking as part of their day-to-day work. Specialized child trafficking

³ "Prescribed reporters" are persons such as doctors, nurses, teachers, social workers and others who are legally required to report any detection of child abuse including trafficking victims

screening tools may be used to identify indicators of trafficking. The detection of trafficking is based on the reporter's observations of certain indicators or "red flags," such as the appearance of the presumed⁴ victim, signs of sexual abuse, exploitation, physical or psychological mistreatments, and restrictions on the victim's movements. Intake refers to the point at which the report of suspected trafficking is made and enters the government system. This is typically done by the JCF (local police stations, CTOC or CISOCA), NCR and CPFSA, NATFATIP, OCA, or ONRTIP.

Objective:

To effectively and promptly identify a presumed victim of child trafficking⁵ and report the instance to the relevant MDA officials

Relevant Stakeholders:

Lead Agencies: Jamaica Constabulary Force (JCF) Counter- Terrorism and Organized Crime (CTOC) Unit, National Children's Registry (NCR), Child Protection and Family Services Agency (CPFSA), National Task Force Against Trafficking-in-Persons (NATFATIP), Centre for the Investigation of Sexual Offenses and Child Abuse (CISOCA), Office of the Children's Advocate (OCA)

Supporting Roles: Community/concerned citizens, Prescribed reporters (teachers, social workers, nurses, doctors, etc.), Passport, Immigration and Citizenship Agency (PICA), Embassies, Courts, Ministry of Labour and Social Security (MLSS) Labor Inspectors, non-governmental organizations (NGOs), religious leaders, Office of the National Rapporteur on Trafficking-in-Persons (ONRTIP)

Procedural Steps:

Initial report of trafficking refers to the detection of a suspected trafficking situation and the formal process by which that information enters Jamaica's national referral mechanism for child trafficking response.

1. Reports of suspected trafficking may be made by any person, including by concerned citizens. MDA officials are required to pass along such reports to the relevant authorities. Such reports can be made by telephone, email, message, or walk-in. In addition, MDA officials have been trained to proactively identify trafficking victims, with the assistance of specialized child trafficking screening tools to identify trafficking victims.⁶

The relevant authorities for reporting child trafficking in Jamaica include:

⁴ A "presumed victim of trafficking" refers to a person who is suspected to be a victim of trafficking but has not yet been officially categorized as such by the JCF, NATFATIP or CPFSA

⁵ A child is defined as an individual under the age of 18 years in Jamaica.

⁶ See Appendix X for Child Trafficking Screening Tools

- a. **JCF (local police station, JCF-CTOC, CISOCA)**
Telephone: 119
Email: tip.ocid@jcf.gov.jm
 - b. **NCR and CPFSA**
Telephone: 888-PROTECT (776-8328)
 - c. **NATFATIP**
Telephone: 906-4923-31
 - d. **OCA**
Telephone: 876-967-3225; 876-948-1293
 - e. **ONRTIP**
Telephone: 876-583-3011
 - f. **Crime Stop Anonymous Tip Line**
Telephone: 311
2. JCF, NCR, CPFSA, CISOCA, NATFATIP, OCA, or ONRTIP can receive a report of child trafficking. When a report is received, as much information as possible is gathered using standard MDA intake forms. Using a child trafficking screening tool⁷, the official receiving the report can evaluate whether the case should be referred on for further investigation as a trafficking case and victim services.

If the report **does NOT appear to be a child trafficking case**, it is addressed according to standard MDA procedures for investigation and care and protection.

If the report **DOES appear to be a child trafficking case**, it must be referred for investigation and formal identification of the case as presumed child trafficking.

Depending on the location of the child and potential security concerns, representatives of JCF must rescue the child and remove him/her from a hazardous situation. In these cases, it is the responsibility of JCF to inform CPFSA and ensure a social worker is present to provide immediate care to the child. It is the responsibility of CPFSA to respond and arrive on the scene as quickly as possible.

Stage 2: Identification and Investigation

The second stage of the national referral mechanism involves identification and investigation of the matter. If one or more indicators of trafficking are detected, the case will be investigated to determine whether the presumed victim can be confirmed as a victim of child trafficking. Additional investigation may be required to establish that a child has been trafficked.

⁷ Child trafficking screening tools are new tools intended to standardize the process for identifying presumed child trafficking victims. These tools have been customized from a standard model in order to fit the circumstances of each agency using them.

Case confirmation may happen immediately or may take months depending on the unique circumstances of each victim. Cases may be confirmed by JCF-CTOC in coordination with NATFATIP and CPFSA and should be confirmed as expeditiously as possible.

Objective:

To validate the indicators from the initial reporting to confirm a child trafficking case (i.e. legally identify a child trafficking victim) and ensure a coordinated response from key actors.

Relevant Stakeholders:

Lead Agency: JCF-CTOC

Supporting Roles: NCR, CPFSA, NATFATIP

Procedural Steps:

1. Once a presumed case of child trafficking is referred to NCR & CPFSA, NATFATIP, or JCF-CTOC, the receiving agency should immediately inform the other two key agencies responsible for child trafficking response:
 - NCR & CPFSA informs JCF CTOC and NATFATIP.
 - NATFATIP informs NCR & CPFSA and JCF CTOC.
 - JCF CTOC informs NCR & CPFSA and NATFATIP.
2. JCF CTOC works with NCR & CPFSA (and, as appropriate, with CISOCA) to gather additional evidence to determine whether the presumed case can be confirmed as child trafficking.

If there is NOT sufficient evidence, NCR & CPFSA should follow their internal protocols for care and protection of a child.

If additional evidence suggests that the child may have been trafficked, JCF-CTOC in consultation with NATFATIP and NCR & CPFSA will officially confirm whether the child has been trafficked. All presumed victims of trafficking should be referred to CPFSA for a needs assessment and services while JCF conducts a parallel investigation and confirmation of trafficking.

3. JCF CTOC will begin investigation of the case and the potential trafficker in preparation for possible prosecution of the case. JCF CTOC will lead the management of the investigation. The victim's cooperation in the investigation plays an important role in the prosecution of their trafficker, which is also in the nation's best interest, so every effort should be made to support the victim and encourage them to participate. However, the victim and/or their family/guardian has the right to choose whether to participate. Even

if the victim and/or their family/guardian choose not to participate, the case may still move forward. Even if prosecution of the case is not pursued, the child should still receive all of the necessary care and protection offered to trafficking victims.

4. JCF CTOC will work with CISOCA to gather evidence to on the incident of trafficking and the trafficker. JCF CTOC will coordinate with DPP to share evidence for successful prosecution of the trafficker. DPP will seek restitution and/or compensation for the victim. If the trafficker is convicted, the court will order restitution to the victim.

Stage 3: Needs Assessment and Referral for Urgent Support and Protective Services

Needs assessment and referral for urgent support and protective services is the third stage of the national referral mechanism, but this can **occur concurrently with Stage 2: Identification and Investigation**. It is paramount that the urgent needs of the child be met as quickly as possible. Urgent care may include but is not limited to shelter/residential care, medical assistance, food, clothing, counselling and/or safety and security. CPFSA will conduct a needs assessment and coordinate immediate support and protective services with supplemental support from NATFATIP and advice on security measures from JCF-CTOC.

Objectives:

To assess the needs of a child trafficking victim, to provide urgent care as needed, and to develop an individualized care plan for the coordination of support services

Relevant Stakeholders:

Lead Agency: CPFSA with security risk assessment conducted by JCF

Supporting Roles: NCR, JCF CTOC/CISOCA, NATFATIP, OCA

Procedural Steps:

1. As part of its official reporting mandate, NCR will log the case reported and share a copy of the report with OCA and CPFSA (Investigation Unit), while respecting the child's right to confidentiality and privacy. ONRTIP should also be informed.
2. CPFSA, in consultation with JCF CTOC and NATFATIP, will conduct a rapid assessment to ensure that the child's emergency needs are met. These may include, but are not limited to medical care, clothing, food, shelter, family tracing and family assessment. Further investigation and interviews with the child should only be conducted after the child is ready and emergency needs have been met. A CPFSA social worker should be present in all interviews with the child to ensure a child-centered approach that remains conscious of the potential for inadvertent re-traumatization of the child. If the child speaks a foreign language, CPFSA must coordinate a translator/interpreter.
3. JCF CTOC conducts a security risk assessment to determine if there are any immediate safety risks to the child or others around him/her. The security risk assessment should

inform plans for future care of the child trafficking victim and whether the child can be reunified with her/his family.

4. The child may need residential care. CPFSA is responsible for the placement of the child in a shelter or in foster care. Placement is made in consultation with JCF CTOC and NATFATIP to ensure that any security concerns for the child or to others around him/her are addressed. If significant security concerns remain, or if witness protection is required, MNS can also be consulted on the placement of the child.
5. CPFSA will develop a care plan and corresponding case file for support services. The care plan should be tailored to the unique needs of the child and include long-term plans for reintegration of the child. A CPFSA investigator will complete a “social inquiry report” to assess any family or community risks.
6. CPFSA develops and maintains a protective services case file on the child. The case file must include individualized short, medium and long-term care plans for the child. CPFSA should consult with NAFTATIP and JCF CTOC regarding security or other concerns associated with the provision of protective services to the child trafficking victim. To the extent possible, the child should be consulted in decisions regarding his/her care.
7. JCF CTOC will develop and manage a corresponding case file for the investigation process.

Stage 4: Support and Protective Services

The fourth stage of the national referral mechanism involves Support and Protective Services. Once the child’s immediate needs have been met, CPFSA will develop a plan to coordinate the provision of services while JCF-CTOC leads investigation efforts. CPFSA will liaise with external service providers to ensure all needs are supported and protection needs are met, and will update the child’s case file accordingly.

Objective:

To ensure the child receives the care and protection through a collaborative approach with various stakeholders each playing a role.

Relevant Stakeholders:

Lead Agency: CPFSA

Supporting Roles: Ministry of Health (MOH), MNS, MLSS (Heart Trust, PATH Programme), Ministry of Education, Youth and Information (MOEYI), Victim Services Division (VSD), JCF, PICA, Ministry of Foreign Affairs and Foreign Trade (MOFAFT)

Procedural Steps:

1. CPFSA will assign a case manager to oversee the care and protection of a child trafficking victim. The case manager should be trained to understand the unique needs of a child trafficking victim and should always be mindful of the potential for inadvertent re-traumatization. The case manager, who should remain the same throughout the life of the case, should also have as an objective the successful reintegration of the child.
2. CPFSA will develop an individualized care plan for each child and coordinate service provision. Services available to a child trafficking victim include, but are not limited to those included in the table below⁸:

Service Provider	Services Available
MOH	<ul style="list-style-type: none"> • Medical exam and care • Dental exam and care • Psychosocial support/counselling
CPFSA	<ul style="list-style-type: none"> • Case management • Psychosocial support/counselling • Residential care/shelter • Coordination of translators as needed • Reintegration support
MNS	<ul style="list-style-type: none"> • Witness protection • Assistance with shelter placement
MLSS	<ul style="list-style-type: none"> • Support to the child and/or their family (PATH Programme) • Employment programmes for family members (Steps to Work, Overseas Employment Scheme)
MOEYI	<ul style="list-style-type: none"> • Educational support according to the needs of the child • Skills training (HEART Trust)
VSD, with the assistance of ONRTIP and OCA	<ul style="list-style-type: none"> • Counselling to help the child prepare to testify in court • Advise the court on whether the child is ready to testify and advocate for child-friendly measures, such as remote or video testimony
JCF	<ul style="list-style-type: none"> • Monitor and provide security
PICA & MOFAFT	<ul style="list-style-type: none"> • Repatriation to or from overseas • Assistance obtaining temporary or long-term legal resident status • Support for non-Jamaican nationals • Note: International Organization for Migration can also assist with repatriation, if needed.

⁸ Additional information may be found in ONRTIP’s *Human Trafficking Survivors’ Handbook*

NGOs	<ul style="list-style-type: none">• Depending on the location of the child, NGOs can be engaged to provide a variety of protective services
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Stage 5: Reintegration

The fifth and final stage of the national referral mechanism involves the reintegration of the child victim. At the same time the child trafficking victim's care plan is developed, CPFSA will develop a reintegration plan to facilitate the child's ability to move forward with his/her life. The reintegration plan is a long-term solution that accounts for the social, economic, and safety interests of the trafficking victim.

Objective:

To ensure the child is given the opportunity and receives the appropriate support to move forward with his/her life.

Relevant Stakeholders:

Lead Agency: CPFSA

Supporting Roles: PICA, MOFAFT, JCF, MLSS, MOEYI, MOH, ONRTIP

Procedural Steps:

1. Reintegration of the child into a community or their family should be considered from the initial care planning stage. CPFSA will help the child to develop a reintegration plan before he or she achieves the age of 18 years, if possible.
2. CPFSA will provide ongoing monitoring and follow-up support to ensure the child successfully reintegrates.⁹
3. If needed, PICA and MOFAFT can assist in the voluntary return of the child to their country of origin.
4. JCF can provide ongoing monitoring and security support, which could include informing the child trafficking victim when their trafficker will be released from prison.

⁹ See Annex XX for Recommendations for Minimum Standards of Care for Child Trafficking for additional detail on reintegration.