

# **Jamaica 2024 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Jamaica during the year.

Significant human rights issues included credible reports of arbitrary or unlawful killings and arbitrary arrest or detention.

The government did not always take credible steps to identify and punish officials who committed human rights abuses.

## **Section 1. Life**

### **a. Extrajudicial Killings**

There were several reports government security forces committed arbitrary or unlawful killings during the year. The total number of fatalities involving the security forces, justifiable or otherwise, increased slightly over the prior year, with 111 reports as of September 4, compared with 108 in 2023.

Following investigations by the Independent Commission of Investigations (INDECOM), between January and September the Office of the Director of Public Prosecutions brought charges in 22 cases of unlawful or arbitrary killings involving Jamaica Constabulary Force (JCF) officers, Department of

Corrections officers, and military personnel. According to reports, the JCF was responsible for fatalities both in its role as an independent agency and as part of joint operations with the military.

Fatalities increased in planned police operations, according to INDECOM. For example, on August 14 in a planned police operation, police shot and killed a suspect during a struggle to take the suspect into custody. The suspect was believed to be involved in an August 11 mass shooting event. A family witness claimed the deceased was not involved in the mass shooting and had not resisted arrest.

Cases against members of the security forces took years to process, primarily due to investigatory backlogs, trial delays, and appellate measures. Numerous cases awaited prosecution.

## **b. Coercion in Population Control**

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

## **Section 2. Liberty**

### **a. Freedom of the Press**

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this

right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The law provided for the right of workers to form or join independent unions and to bargain collectively, including in Special Economic Zones. The law did not provide for the right to conduct legal strikes but did not prohibit strikes. Courts, however, stated workers who went on strike repudiated their contract of employment, thus giving the employer the option to terminate the contract. In practice, workers were able to strike without being fired.

The law prohibited antiunion discrimination and provided for the Industrial Disputes Tribunal (IDT) to reinstate a worker who was unjustifiably dismissed. The law made it a criminal offense to prevent or deter a worker from exercising the right to participate in trade union activities or to dismiss, penalize, or otherwise discriminate against a worker for exercising these rights.

The International Labor Organization (ILO) expressed concern that penalties could be imposed on workers for their membership and participation in an

unregistered trade union.

The government enforced the law in most cases regarding freedom of association and the right to collective bargaining in the formal sector.

Penalties were commensurate with those for analogous violations such as civil rights violations. The government sometimes applied penalties against violators, although judicial delays often weakened enforcement measures.

Worker organizations largely operated without interference, although the government maintained the right to monitor their activities. The ILO expressed concern the government could inspect unions and request information regarding trade union finances at any time, which would potentially be intrusive.

Some labor unions reported private-sector workers feared management retaliation against unionization. For example, it was not uncommon for private-sector employers to make the positions of workers redundant and rehire them as contractors with fewer worker protections. The IDT ruled in favor of the employees or unions in several such cases.

Legal procedures sometimes allowed employers to appeal and delay resolution of cases for years, thus burdening plaintiffs. By law, cases should be resolved within 21 days, but the IDT took several months to decide most cases. Parties could apply for judicial review by the Supreme Court.

## **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

## **Acceptable Work Conditions**

### **Wage and Hour Laws**

The law provided for minimum wage for workers in all sectors. The minimum wage was above the nationally estimated poverty line and most employers paid more than the legal minimum wage.

The law provided for a standard 40-hour workweek and mandated at least one day of rest per week. Employers were required to compensate work in excess of 40 hours per week at overtime rates, a provision most employers respected. Allegations of wage, hour, and overtime law violations occurred across many sectors, including in the formal sector of tourism and hospitality, but were most common in predominantly informal industries such as agriculture and construction, as well as in domestic work.

### **Occupational Safety and Health**

The Occupational Safety and Health (OSH) Department maintained and enforced OSH standards under ILO guidelines appropriate for the main industries in the country. Department inspectors proactively identified unsafe conditions through conducting inspections, investigating accidents,

warning violators, and granting them a period in which to correct violations. The department could bring violators to court if the violator did not correct a violation within a given time frame. The law had no provisions that explicitly gave workers the ability to remove themselves from hazardous conditions without jeopardy to employment, although the IDT could reinstate workers who were unfairly dismissed. Violations of OSH standards were common in the construction sector, due to inadequate safety gear, poor scaffolding practices, and unregulated use of heavy machinery, and in the agricultural sector, due to exposure to harmful pesticides and improper handling of machinery.

The law stipulated penalties and fines for violating minimum wage, overtime, and OSH laws, and the Ministry of Labor and Social Security had authority to increase any monetary penalty. The government generally enforced minimum wage and overtime laws effectively. Legal fines or imprisonment for violations were lower than penalties for similar crimes such as fraud. The Ministry of Labor and Social Security gained compliance in some of the cases by threatening legal action. The ability of defendants to appeal a case repeatedly dulled the effectiveness of penalties.

### **Wage, Hour, and OSH Enforcement**

The government did not always effectively enforce OSH laws in the formal and informal sectors. While inspectors had the authority to make unannounced inspections and initiate sanctions, the number of inspectors

was insufficient to enforce compliance, and inspections took place only in the formal sector. Penalties were rarely applied to violators.

Local think tanks and labor leaders estimated the informal economy accounted for approximately 30 percent of the labor force. Informal sector workers were covered by wage, hour, OSH, and other labor laws, but the government did not enforce them effectively.

### **c. Disappearance and Abduction**

#### **Disappearance**

There were no reports of enforced disappearances by or on behalf of government authorities.

#### **Prolonged Detention without Charges**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Lengthy pretrial detention occurred. There were reports of prolonged periods of detention in which police did not inform the suspect of the official charges. Lockups were intended for short-term detentions of 48 hours or less, but the government sometimes held suspects in these facilities for

much longer without charge or while awaiting trial. A lack of administrative follow-through after an arrest created situations where persons were incarcerated without any accompanying paperwork. In some cases – days, weeks, months, or years later – authorities could not ascertain the reason for the arrest. INDECOM and the human rights nongovernmental organization (NGO) Stand Up Jamaica estimated there were more than 100 prisoners with mental disabilities deemed unfit to plead due to mental illness who were similarly incarcerated indefinitely.

#### **d. Violations in Religious Freedom**

See the Department of State’s annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **e. Trafficking in Persons**

See the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

### **Section 3. Security of the Person**

#### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibited such practices, but there were credible reports



government officials employed them against individuals in police custody and in correctional facilities.

Between January and September 5, INDECOM received 709 complaints of police abuse, most involving intimidation, excessive physical force in restraint, and restricted access to medical treatment. According to INDECOM, there were also reports of alleged physical assault committed by police and prison officials. The Office of the Director of Public Prosecutions charged or prosecuted 22 security officers during the year. While criminal prosecutions for members of the security forces occurred, investigatory backlogs, lack of witnesses and jurors, trial delays, and cumbersome appellate measures continued to impede timely prosecutions.

## **b. Protection of Children**

### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **Child Marriage**

The legal minimum age for marriage was 18, but children could marry at age 16 with parental consent. Authorities effectively enforced the law.

### **c. Protection to Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

#### **Provision of First Asylum**

The law did not provide clear procedures for the granting of asylum or refugee status, and the government did not have a consistent system for providing protection to refugees. The government handled each potential asylum seeker administratively on an individual basis.

Civil society groups and NGOs criticized the government's handling of Haitian asylum seekers. On March 4, NGO Freedom Imaginaries stated the country's "flawed and inefficient screening procedures" were placing vulnerable persons at risk.

### **d. Acts of Antisemitism and Antisemitic Incitement**

Approximately 500 persons in the country practiced Judaism. There were no reports of antisemitic incidents.