

COUNTRY OF ORIGIN INFORMATION REPORT

JAMAICA

8 NOVEMBER 2007

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and Immigration Agency (BIA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 October 2007. The 'latest news' section contains further brief information on events and reports accessed from 1 November 2007 to 8 November 2007.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by BIA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been

included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. BIA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the BIA as below.

Country of Origin Information Service
Border and Immigration Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the BIA's country of origin information material. The Advisory Panel welcomes all feedback on the BIA's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- xii It is not the function of the Advisory Panel to endorse any BIA material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual BIA COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

² This Country of Origin Information Report contains the most up-to-date publicly available information as at 8 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

Advisory Panel on Country Information contact details

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

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Latest News

EVENTS IN JAMAICA, FROM 1 NOVEMBER 2007 TO 8 NOVEMBER 2007

- 6 November The Jamaica Down's Syndrome Foundation was set up in January 2007 to educate and increase awareness about the condition among caregivers, teachers, medical professionals and the general public.
Jamaica Information Service, Foundation to Help Children with Down's Syndrome Live Full and Rewarding Lives, 6 November 2007
http://www.jis.gov.jm/health/html/20071104t100000-0500_13407_jis_foundation_to_help_children_with_down_s_syndrome_live_full_and_rewarding_lives.asp
Date accessed 7 November 2007
- 7 November Justin Felice joined the Jamaica Constabulary Force (JCF) from the UK Police Force to head the Anti Corruption Branch of the JCF.
Jamaica Gleaner, Felice brings whistle to Jamaica Constabulary Force, 7 November 2007
<http://www.jamaica-gleaner.com/gleaner/20071107/news/news4.html>
Date accessed 7 November 2007
- 7 November The former Jamaican prime minister of Jamaica Edward Seaga claimed child abuse is one of the foremost contributors to Jamaica's high incidence of crime and violence. "A new medical report tells us that 72 per cent of all mothers and all homes in Jamaica use violence as a means of punishment for children. and when the child advances to maturity that violence becomes criminal, using guns and knives," Seaga said.
Jamaica Observer, Child abuse contribution to high crime and violence, says Seaga, 7 November 2007
http://www.jamaicaobserver.com/news/html/20071106t200000-0500_129094_OBS_CHILD_ABUSE_CONTRIBUTING_TO_HIGH_CRIME_AND_VIOLENCE_SAYS_SEAGA.asp
Date accessed 7 November 2007

Background information

GEOGRAPHY

- 1.01 Jamaica is an island in the Caribbean Sea and lies south of Cuba. The country has an area of 10,991 sq km. Kingston is its capital and the island is divided into 14 parishes. As of July 2007, Jamaica's total population was estimated at 2,780,132. The official language of Jamaica is English though Patois is also widely spoken. (CIA World Factbook) [4] In 2005, the estimated population of Kingston and its parish of St Andrew was 658,600. The second largest parish was St Catherine, (capital Spanish Town), at 488,700, and the smallest parish was Hanover, (capital Lucea), with 69,000. (Labour Market Information System) [1a]
- 1.02 Protestants, at 62.5 per cent, are Jamaica's largest religious group. This is divided into Church of God (23.7 per cent), Seventh-Day Adventist (10.8 per cent), Baptist (7.2 per cent), Pentecostal (9.5 per cent), Anglican (3.6 per cent) and Roman Catholic (2.6 per cent). (CIA World Factbook) [4] The relatively small groups of 24,020 Rastafarians, an estimated 5,000 Muslims, 1,453 Hindus, approximately 350 Jews, and 279 Baha'is accounted for about 10 per cent of the population (USSD International Religious Freedom Report 2007). [8i]

JAMAICAN DIASPORA

- 1.03 The Jamaican Diaspora Foundation website, accessed 30 January 2006, estimated that 2.6 million Jamaicans live overseas. The site noted "The Jamaican Diaspora is vast. It ranges from Africa to Latin America (with descendents in Panama, Costa Rica, Nicaragua) to of course North America and Europe. Migration to the United States began in 1920, and shortly after 1948, mass migration of Jamaicans to the United Kingdom began. The heyday of migration to Britain was between 1955 and 1965." [33]

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Map

**MAP OF JAMAICA**

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-64GDWU?OpenDocument>

MAP OF THE CARIBBEAN

<http://www.infoplease.com/atlas/caribbean.html>

DETAILED MAP OF JAMAICA

<http://www.caribbean-on-line.com/islands/jm/jmmap.shtml>

MAP OF KINGSTON

<http://www.caribbean-on-line.com/islands/jm/kgmap.shtml>

MAP OF MONTEGO BAY

<http://www.caribbean-on-line.com/islands/jm/mbmap.shtml>

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ECONOMY

- 2.01 In 2006, the national minimum weekly wage was recorded as being \$2,800 Jamaican Dollars (JMD) or \$70 JMD per hour. Industrial Security Guards' minimum weekly wage was \$4,140 JMD or \$103.50 JMD per hour. (Labour Market Information System) [1b] Jamaica's unemployment rate in 2006 was estimated at 11.5 per cent. The inflation rate was estimated at 5.8 per cent in 2006, and GDP per capita was estimated at \$4,700 USD. (CIA World Factbook) [4]
- 2.02 Key sectors in the economy are tourism, remittances and bauxite. Alumina and bauxite account for more than half of exports. Agriculture also plays an important role. Following a near economic crisis in the first half of 2003, the authorities worked hard to stabilise the economy and restore market confidence. Challenges remain, such as high interest rates and a growing international debt, increased foreign competition and a growing trade deficit. In addition there is an urgent need for the sugar industry to diversify as well as to tackle rising crime and a 'brain drain' to avoid constrained future growth. (FCO Country Profile) [6a] (p2)
- 2.03 The Jamaican Government's economic policies encourage foreign investment in areas that earn or save foreign exchange, generate employment, and use local raw materials. The Government provides a wide range of incentives to investors, including remittance facilities to assist them in the repatriation of funds to the country of origin; tax holidays, which defer taxes for a period of years; and duty free access for machinery and raw materials imported for approved enterprises. (USSD Background Note, Jamaica) [8b] (p3-4)
- 2.04 As of 30 October 2007, the universal currency converter, xe.com, noted the exchange rate was \$102.980 Jamaican Dollars (JMD) to £1 GBP. [18]

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FOREIGN AID

- 2.05 The USSD Background Note noted that:
- “The Government of Jamaica also seeks to attract U.S. investment and supports efforts to create a Free Trade Area of the Americas (FTAA). More than 80 U.S. firms have operations in Jamaica, and total U.S. investment is estimated at more than \$1 billion.... U.S. Agency for International Development (USAID) assistance to Jamaica since its independence in 1962 has contributed to reducing the population growth rate, the attainment of higher standards in a number of critical health indicators, and the diversification and expansion of Jamaica's export base.... In fiscal year 2002, the USAID mission in Jamaica operated a program totalling more than \$13 million in development assistance.” [8b] (p4)

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HISTORY

- 3.01 Jamaica was a British colony from 1655 until 1958 when it became a member of the Federation of the West Indies, and self-governing in its internal affairs in 1959. Jamaica gained its independence in 1962. (FCO Country Profile) [6a] (p1)
- 3.02 The two dominant political figures after the Second World War were the late Sir Alexander Bustamante, leader of the Jamaica Labour Party (JLP), and who retired as Prime Minister in 1967, and Norman Manley, a former Premier and leader of the People's National Party (PNP), who died in 1969. (Europa Country Profile, Jamaica) [5a] (p1)
- 3.03 The early 1970s were marked by escalating street violence and crime, with gang warfare rife in the deprived areas of Kingston. There was high unemployment, severe economic stagnation and, in 1979, violent demonstrations against the Government took place. [5a] (p1)
- 3.04 In 1980, in the circumstance of a worsening economic crisis, negotiations with the International Monetary Fund (IMF) for financial assistance took place. [5a] (p1)
- 3.05 Devaluations of the Jamaican dollar and the withdrawal of food subsidies provoked demonstrations and sporadic violence in 1984, as the prices of foodstuffs and energy increased by between 50 and 100 per cent. Unemployment and illegal trading in drugs contributed to a rise in crime and violence, especially in Kingston. [5a] (p1)
- 3.06 In 1985, further violent demonstrations took place in the capital and industrial unrest in the public sector following another increase in fuel prices. An expansionary budget for 1986/87 was introduced in an attempt to stimulate economic growth. [5a] (p1-2)
- 3.07 In 1989 the Government took further action against the drugs trade, particularly in preventing the use of Jamaican shipping and aviation for the smuggling of illegal drugs, and demanded increased security measures, despite the consequent impediment to normal trade movements. [5a] (p2)
- 3.08 Plans for electoral reform were announced in 1993, after allegations of electoral malpractice and procedural abuses. Proposals drafted in late 1994 recommended the establishment of a permanent electoral commission to supervise elections, the publication of a revised register of voters every six months, and rules governing political campaigning and the nomination of candidates. An electronic voter registration system was installed in 1996 and new electoral rolls were completed in late 1997. [5a] (p2)
- 3.09 Industrial relations deteriorated in 1994, and there was further industrial unrest in 1995, as workers in both the public and private sectors argued for large pay increases to compensate for high rates of inflation. Meanwhile, the country's poor economic performance (particularly its high inflation rate and increasing trade deficit) and an increase in violent crime in Kingston compounded widespread dissatisfaction with the Government. [5a] (p2)

- 3.10 In an effort to stabilize the economy and address the problem of continuing industrial unrest, in 1996 the Government sought the agreement of a 'social contract' with trade unions and the private sector. In return for a commitment to increase its efforts to reduce inflation, the Government hoped to secure an undertaking from the labour organizations to moderate their wage demands. [5a] (p2)
- 3.11 In 1998 and 1999 there were many public protests against police actions and the deepening economic crisis, several of which resulted in riots. Announcements made for 1999/2000 budget proposals of a significant increase in the price of diesel resulted in violence where eight people were killed and many businesses were set alight or looted. [5a] (p3)
- 3.12 In July 1999 the authorities announced that army personnel were to be deployed on patrols in greater Kingston in an attempt to combat the high incidence of criminal activity, the majority of which was reportedly related to drugs-trafficking. [5a] (p3)
- 3.13 In October 1999 the British Government announced that it would grant £2.9m in assistance towards the reform and modernization of the Jamaican police force. In September 2000 the Jamaican Government announced the establishment of a specialized police unit to combat organized crime. In October an investigation was initiated in response to widespread allegations of corruption in the police force, which included involvement in drugs-trafficking and the illicit recording of ministerial telephone conversations. [5a] (p3)
- 3.14 In 2001 confrontations between police and the public continued; in March seven young men were killed in Kingston during a police raid which provoked accusations of excessive brutality by the police force. In July, during three days of fighting, 25 people were reported to have been killed in fighting between police and rival PNP and JLP factions in Kingston. In October 2001 the Government was forced to deploy army, air and coastguard units to suppress unrest. [5a] (p3)
- 3.15 In October 2001 record levels of torrential rain and high winds caused by 'Hurricane Michelle' caused severe damage, estimated at US \$30 million, to eastern Jamaica. The Government subsequently announced a relief programme worth US \$23.9 million for the region. [5a] (p4)

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Recent political events

- 3.16 On 27 February 2006, the *Jamaica Gleaner* reported on the election of Portia Simpson-Miller as the fourth and new president of the PNP [People's National Party]. The report noted that having gained 1,775 votes, Simpson-Miller will become the seventh and first female prime minister of Jamaica. Other presidential contenders included Minister of National Security, Dr Peter Phillips, who received 1,538 votes, Minister of Finance, Dr Omar Davies, receiving 283 votes, and former cabinet member, Dr Karl Blythe, who polled 204 votes. [34c] BBC News also reported on the subject, stating Ms Simpson-

Miller was elected by internal vote to take over the governing party from the incumbent Prime Minister, PJ Patterson, who had been in power for the previous 14 years. [21b]

- 3.16 On 4 September 2007, BBC News reports that preliminary election results showed Jamaica's opposition Labour party (JLP) had beaten the PNP, ending their eighteen years in office. The election had originally been scheduled for 27 August, but had to be postponed for a week when Hurricane Dean hit the island. [21h] Portia Simpson-Miller refused to concede the election and demanded a recount. (BBC News, 4 September 2007) [21i] She accused the opposition of rule breaking and buying votes. However, upon a recount that showed a JLP win of 33 seats, Simpson Miller conceded the election. [21j]
- 3.17 Bruce Golding was sworn in as Prime Minister on 11 September, taking the Oath of Allegiance and the Oath of Office, and receiving the Instrument of Appointment from the Governor-General. (Jamaica Information Service, 11 September 2007) [24ak]

¹⁰This Country of Origin Information Report contains the most up-to-date publicly available information as at 8 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

RECENT DEVELOPMENTS

4.01 Events in Jamaica in the period between January 2007 to the end of October 2007 on political and humans rights issues included:

- The Jamaica Labour Party winning the general election in September, when Bruce Golding took over as Prime Minister. (BBC News, 4 September 2007) [21i]
- At the end of October, 1,105 persons had been murdered. (Jamaica Information Service, 2 May 2007) [24ab]
- 98 gay men and lesbians were reportedly targeted between February and July in 43 separate mob attacks. (Newsweek International, 7 September 2007) [65]
- According to Transparency International's Corruption Perceptions Index Jamaica became a more corrupt country in 2007 [28] and between January and March four police officers were arrested for corruption. (Jamaica Information Service, 23 March 2007) [24aa]
- On 1 March the Trafficking in Persons Act 2007 came into force, prohibiting all forms of person trafficking related offences, with up to 10 years in prison for anyone convicted of such offences. (USSD Trafficking in Persons Report 2007, Jamaica) [8h]
- No further laws for reform were passed concerning women, although criminalisation of marital rape was recommended under the Offences Against the Person's Act. (Amnesty International, 1 March 2007) [9g]

4.02 On social welfare issues, recent developments in 2007 have included:

- In August, for the first time in Jamaica's history, all children between three and five years were enrolled in an educational institution, improved literacy levels in 15 to 24 year olds were reported (Jamaica Information Service, 10 August 2007) [24as] and schools received \$95 million in grants for equipment and materials for 38 schools. (Jamaica Information Service, 5 September 2007) [24at]
- Various hospitals were due for new medical equipment or facilities during 2007, (Jamaica Gleaner, 20 April 2007; 13 August 2007) (Ministry of Health) [34cc][36f][36f][40c][40d] although there were also several reports suggesting these were not delivered and that many hospitals remained poorly maintained and understaffed. (Jamaica Gleaner, 13 February 2007; 29 September 2007; 27 October 2007; 21 October 2007) [34cl][34cm][34cn][34co]
- HIV/AIDS anti-stigma and awareness campaigns were launched in both the charity (Jamaica Information Service, 1 March 2007) (UNICEF HIV/AIDS) [24ae][10d](p2) and business sectors. (USAID, 30 August 2007) [68] Ninety-four percent of babies born to HIV-positive mothers were HIV-negative, thanks to free HIV tests and treatment. (Jamaica Information Service, 20 June 2007) [24t]

- There were reports of mentally ill inmates suffering abuse in prisons (Jamaica Gleaner, 18 March 2007) [34cq], the lack of facilities for holding mentally ill persons in detention and insufficient training for police, judges and prison officers. (Jamaica Information Service, 11 June 2007) [24x]

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Comment [NS1]: Hyperlinked cross-refs (both ways) to the relevant sections - eg medical, education etc would be useful

CONSTITUTION

- 5.01 Under Chapter three of the Jamaican Constitution (1962) the fundamental rights and freedoms are:
- a The right to life. This section provides that 'no person shall intentionally be deprived of life save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.' It also stipulates that a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use of force in protection from violence, defence of property, to effect a lawful arrest, to prevent escape from lawful detention, in suppression of a riot, insurrection or mutiny or in lawful prevention of a criminal offence.
 - b Protection from arbitrary arrest or detention
 - c Protection from inhuman treatment
 - d Freedom of movement
 - e Protection of property and privacy of home
 - f Provision to secure protection of law
 - g Freedom of conscience
 - h Freedom of expression
 - i Freedom of assembly and association. [2] (section 13)
- 5.02 Europa World Online, accessed 4 October 2006, recorded "The Constitution came into force at the independence of Jamaica on 6 August 1962. Amendments to the Constitution are enacted by Parliament, but certain entrenched provisions require ratification by a two-thirds' majority in both chambers of the legislature, and some (such as a change of the head of state) require the additional approval of a national referendum. [5g] The Head of State is the British monarch, who is locally represented by the Governor-General, appointed by the British monarch, on recommendation of the Jamaican Prime Minister in consultation with the Leader of the Opposition party. [5h]
- 5.03 Europa World Online also mentioned that "The Constitution includes provisions in safeguarding the fundamental freedoms of the individual, irrespective of race, place of origin, political opinion, colour, creed or sex..." [5i]
- 5.04 The US Department of State Background Note on Jamaica, dated March 2006, noted that "The judiciary also is modelled on the U.K. system. The Court of Appeals is the highest appellate court in Jamaica. Under certain circumstances, cases may be appealed to the Privy Council of the United Kingdom. Jamaica's parishes have elected councils that exercise limited powers of local government." [8b] (p2)
- (See [Caribbean Court of Justice](#))
- 5.05 The establishment of a Charter of Rights and Freedoms in the Constitution was close to conclusion. However, the report noted that Minister of Justice, Senator A.J. Nicholson, was at odds with opposition members who demanded the consideration of a late submission by the Lawyers Christian Fellowship. The law group had suggested that the wording of a clause allowing the right to privacy of the individual could potentially allow homosexuality. Mr Nicholson

argued that the issue of homosexuality was addressed in buggery law. (*Jamaica Gleaner*, 10 February 2006) [34au]

(See also section [Lesbian, gay, bisexual and transgender persons](#))

- 5.06 The Charter of Rights and Freedoms has been under deliberation since 1991 and is aimed at amending the Jamaica Constitution to better ensure the protection of human rights and freedoms. (*Jamaica Observer*, 15 February 2006) [36ao]

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POLITICAL SYSTEM

- 6.01 Jamaica's political system is stable. However, the country's serious economic problems have exacerbated social problems and have become the subject of political debate. High unemployment, averaging 15.5 per cent, rampant underemployment, growing debt, and high interest rates are the most serious economic problems. (USSD Background Note, Jamaica, March 2006) [8b] (p2)
- 6.02 The Europa World Online, accessed 4 October 2006, noted that "The Senate or Upper House consists of 21 Senators, of whom 13 will be appointed by the Governor-General on the advice of the Prime Minister and eight by the Governor-General on the advice of the Leader of the Opposition... The House of Representatives or Lower House consists of 60 elected members called Members of Parliament." [5e]
- 6.03 Europa further noted:
- "The Prime Minister is appointed from the House of Representatives by the Governor-General, and is the leader of the Party that holds the majority of seats in the House of Representatives. The leader of the party is voted in by members of that party. The Leader of the Opposition is voted in by members of the Opposition party. The Cabinet consists of the Prime Minister and not fewer than 11 other ministers, not more than 4 of whom may sit in the Senate. The members of the Cabinet are appointed by the Governor-General on the advice of the Prime Minister. [5f]

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Human Rights

INTRODUCTION

7.01 *The Jamaica Observer*, dated 24 February 2005, reported that:

“A United Nations High Commission for Human Rights representative has commended Jamaica’s international human rights record while challenging the country to ensure that the safeguards translate into real protection. Maarit Kohonen observed Tuesday [22 February 2005] that Jamaica had signed on to a number of key international human rights instruments. ‘This means that Jamaica has undertaken a significant responsibility to protect and promote a wide range of human rights, civil, political, economic, social and cultural for all in Jamaica,’ she told a human rights conference in Mandeville.” [36aa]

7.02 The United States Department of State country report on human rights practices for 2006, Jamaica, (USSD report for 2006), published 10 March 2007, noted:

“While the government generally respected the human rights of its citizens, there were serious problems in some areas:

- unlawful killings committed by members of the security forces
- mob violence against and vigilante killings of those suspected of breaking the law
- abuse of detainees and prisoners by police and prison guards
- poor prison and jail conditions
- continued impunity for police who commit crimes
- an overburdened judicial system and frequent lengthy delays in trials
- violence and discrimination against women
- trafficking in persons
- violence against suspected or known homosexuals.” [8g] (p1, Introduction)

7.03 The USSD report for 2006 also stated that during 2006 there were no reports of political detainees. [8g] (p4, Section 1e)

7.04 In its 2007 annual report on Jamaica, covering events from January-December 2006, Amnesty International noted that “Widespread sexual violence, including rape, continued during 2006, posing severe health risks for women and girls. Murder rates declined but were still among the highest in the world. Already high levels of killings by the police rose over the previous year’s total. Impunity continued to be the norm for such abuses.” [9k](p1)

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CRIME

- 8.01 *The Jamaica Observer* reported on 3 January 2006, "With a record high of nearly 1,700 homicides last year [2005] and Jamaica's emergence at the top of the world rankings for per capita murders, homicide figures, long closely followed here, are under increasing scrutiny." [36u]
- 8.02 The USSD 2006 Report noted "The country faced a critical crime situation with a homicide rate exceeding 45 per 100 thousand persons, a reduction from the 2005 rate of 62 per 100,000." [8g] (p1, Section 1a) National Security Minister, Dr. Peter Phillips, credited the drop in crime to intelligence-driven work by the JCF, particularly Operation Kingfish, which he noted as having a significant impact since its establishment in late 2004. (Jamaica Gleaner, 25 August 2006) [34i]
- 8.03 Police crime statistics indicate that youths, some as young as 12, are the main perpetrators of criminal activity in recent years. Deputy Commissioner of Police (DCP) Jevane Bent said that the figures show that 350 persons arrested for murder in 2005 are between 12 and 25 years old. Seven of those arrested in 2004 were between 12 and 15 years old. (Jamaica Gleaner, 13 February 2006) [34bp]
- 8.04 On 30 October 2007, *The Jamaica Observer* reported that a total of 1,105 persons had been murdered on the island so far in 2007. September 2007 had seen the highest monthly toll, with 134 people murdered. [36bh]

(See also [Gang violence](#) and [Operation Kingfish](#))

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GANG VIOLENCE

- 8.05 The USSD 2006 Report noted that "Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs often were equipped better than the police force and conducted coordinated ambushes of joint security patrols." [8g] (p1, Section 1a)
- 8.06 The Freedom House Freedom in the World 2006 Report on Jamaica noted that much of the violence in Jamaica is the result of warfare between drug gangs. The report stated "[that] Jamaican-born criminal deportees from the United States and a growing illegal weapons trade are major causes of the violence. Mobs have been responsible for numerous vigilante killings of suspected criminals. . ." [32a] (p4)
- (See also [Deportation of Foreign National Prisoners](#))
- 8.07 An undated Jamaicans for Justice report, Jamaica's Human Rights Situation, accessed on 4 August 2004, states "[that] Out of structures created by political wars, 'community' youth gangs have emerged to fight over turf ... Criminal gangs linked with US 'posses', UK 'yardies', and now, most lethally, with elements of the Colombian drugs trade menace the entire fabric of society." [50a] (p2)

- 8.08 Reporting on gang violence in Kingston, *The Jamaica Observer* dated 16 October 2005 noted:

“Tivoli has been in the spotlight since three policemen were killed on a bloody night in May [2005] this year, allegedly by gunmen from the community. Last week four persons were shot during a raid by the security forces on the community in search of the men said wanted for the murder of the policemen. Area leader Lloyd ‘Dudus’ Coke, in a separate raid on his uptown home, was arrested and charged for possession of ganja on the day of the last raid.” [36f]

(See also Section 9.43: [Use of excessive force by police](#))

- 8.09 On the 29 January 2006, the *Jamaica Gleaner* noted that in 2005 violence decreased in Spanish Town, [34p] however, it increased again in February 2006, when a riot broke out in Spanish Town. (Jamaica Gleaner, 9 February 2006) [34r] There were reports in September 2006 that gangs had spread out into suburban neighbourhoods, instilling fear into some smaller, quieter communities. (Jamaica Gleaner, 2 September 2006) [34bs]

(See also Section 9.28: [Operation Kingfish](#))

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INDIVIDUAL NAMED GANGS

- 8.10 **Back Road gang.** This gang was mentioned in an article published May 2007 as being in operation in the White Lane community in Waterhouse, Kingston. (Jamaica Observer, 12 May 2007) [36av]
- 8.11 **Bibow gang.** On 1 January 2006 *The Jamaica Gleaner* reported that this gang operated out of Jones Town, south St Andrew. [34ao]
- 8.12 **Checkers gang.** This gang was reported to operate out of Penwood Road and Ashoka Road areas in the Waterhouse community. Two Checkers gang members, Dwayne ‘Oliver’ Smith and Ricard Zigga Walcot, were reportedly killed in a gunfight with police in May 2007. (Jamaica Observer, 12 May 2007) [36av]
- 8.13 **Clansman gang.** A gang reported as having PNP (People’s National Party)-affiliations involved in violent confrontations in Spanish Town, St Catherine in March 2007. *The Jamaica Observer* reported these were “sparked by rising tensions within the Clansman gang” and also as a result of clashes with rival gangs for control of the city. (Jamaica Observer, 17 March 2007) [36au] Clansman member Tesha Miller was arrested in May 2007 for breach of bail terms - “ [he] was slapped with a nine-month prison term for absconding bail. Miller was deported from the United States... and handed over to detectives attached to Operation Kingfish. He was charged in connection with a triple-murder, ...in Portmore, St. Catherine... intelligence suggest[s] that Miller was running the Clansman gang from the United States, giving various instructions.” (Jamaica Observer, 17 March 2007) [36au] The BBC reported in May 2007 that “The feared gang Klansman is now, according to the police, a “shadow of its old self”, with the leader of the group having been killed in a shootout.” [21d]

- 8.14 **Collin Palmer gang.** This gang operates in St James, Montego Bay, where several gang members, including the leader, were shot dead by police in January 2007 – “Among the dead were Kirk ‘Joe’ Thomas of St John’s Hall, Collin ‘Teacher’ Palmer of Tucker and Stratty McLeod, also of a Tucker address.” (Jamaica Observer, 18 February 2007) [36at] Incident also reported in the *Jamaica Gleaner* on 29 January 2007, reporting the fatal shooting of five members of the gang and confirming the names of the 3 men killed. (Jamaica Gleaner, 29 January 2007) [34by]
- 8.15 **Fatherless gang.** A group of young men, so-called because they have lost their fathers in gang wars in Trench Town, Kingston. (BBC News, 16 May 2007) [21d] Also reported as “a group of disenchanting youths who have lost their fathers through violence or imprisonment.” (World Politics Review, 29 January 2007) [63]
- 8.16 **Fresh Roses.** An article of February 2007 identifies the gang as operating in the St James parish of Montego Bay. (Jamaica Observer, 18 February 2007) [36at] The *Jamaica Gleaner* reported on the shooting of the gang’s leader, Garfield Sawyers, by police in Niagara district, bordering St James and St Elizabeth Parishes in May 2006. (Jamaica Gleaner, 2 May 2006) [34bz]
- 8.17 **Gideon Warrior gang.** This gang is based in Mud Town area of Papine in St. Andrew, Kingston (Jamaica Gleaner, 3 March 2005) [34ca] originally run by Joel Andem, who was captured by police in May 2004 (Jamaica Gleaner, 30 May 2004) [34cb] and sentencing to 20 years in prison, reported in November 2005 (Jamaica Observer, 10 November 2005) [36j], Kevin Tyndale, aka ‘Richie Poo’, who allegedly took over the gang following Andem’s capture, was remanded in custody until 16 June 2005. (Jamaica Observer, 1 June 2005) [36ba] He was sentenced in September 2005 to 90 years in jail on gun-related and robbery charges. (Jamaica Observer, 21 September 2005) [36k] The gang are no longer thought to be active after it was reported December 2005 that they had been dismantled by Operation Kingfish. (Jamaica Observer, 17 December 2005) [36q]
- (See also [Operation Kingfish](#))
- 8.18 **G-Unit gang.** A gang mentioned in an article published May 2007 as being in operation in the White Lane community in Waterhouse. (Jamaica Observer, 12 May 2007) [36av]
- 8.19 **Hot Stepper gang.** A gang operating in St James parish, according to article published in 2007. (Jamaica Observer, 18 February 2007) [36at] Mentioned in a 2007 article as being “closely associated with racketeers...[in] a multi-million dollar international sweepstakes and lottery scam that has been blamed for a significant number of the more than 200 murders committed in St James”. (Jamaica Observer, 16 February 2007) [36as]
- 8.20 **Hundred Lane gang.** An article published in October 2005 reported the gang, from the Red Hills area of St Andrews, to have PNP (People’s National Party) connections, and to be in dispute with the JLP (Jamaican Labour Party)-affiliated Park Lane gang. (Jamaica Observer, 16 October 2005) [36ay]

- 8.21 **Jungle Trails gang.** This gang were mentioned in a 2004 report as - "A corner gang active in August town...which supports the PNP." (Corner and Area Gangs of inner-city Jamaica) [64]
- 8.22 **Killer Bees gang.** An article of February 2007 identified the gang as operating in the St James parish. (Jamaica Observer, 18 February 2007) [36at] Another article published May 2007 stated the Granville area of the St James parish of Montego Bay to be the gang's area of operation. (Jamaica Observer, 21 March 2007) [36aw]
- 8.23 **One Order gang.** An article in *Jamaica Observer* reported the gang as being PLP-affiliated and based in St Catherine's region. Leader Oliver 'Bubba' Smith was killed in 2004; since then, turf wars and fighting occurred in St Catherine's since 2005 over who should succeed Smith. (Jamaica Observer, 12 May 2007) [36av] The gang has been blamed for the "ongoing murder, intimidation and extortion that have [has] plagued Jamaica's former capital Spanish Town for a number of years." (Jamaica Observer, 9 April 2007) [36az] An article published February 2007 stated the gang are "[one of] the chief perpetrators in a spate of murders across St James". (Jamaica Observer, 21 May 2007) [36aw] An article published in the *Guardian* September 2007 reported that a faction of the gang's were more recent in allegiance with the PNP in an agreement to provide arms in exchange for votes. (The Guardian, 2 September 2007) [20c]
- 8.24 **Park Lane gang.** This gang is mentioned briefly in an article published in 1999 in *The Guardian* reporting on the execution of four Park Lane gang members following their alleged theft of a video camera. (The Guardian, 18 July 1999) [20b] The *Jamaica Gleaner* reports in January 2002 on an ongoing feud between the Park Lane and 100 Lane communities, resulting in the massacre of seven people in the Hundred Lane community in the Red Hills area of St Andrew. (Jamaica Gleaner, 4 January 2002) [34bw]
- 8.25 **Renegades.** This gang is reported to be in operation in the St James Parish, Montego Bay. (Jamaica Observer, 18 February 2007) [36at]
- 8.26 **Shower Posse.** This gang is mentioned in a 2004 report as being active in West Kingston. (Corner and Area Gangs of inner-city Jamaica) [64] No further information could be found about this gang.
- 8.27 **Spanglas.** This gang is mentioned in a 2004 report as being active in West Kingston. (Corner and Area Gangs of inner-city Jamaica) [64] No further information could be found about this gang.
- 8.28 **Stone Crusher Gang.** A gang based in the St James area of Montego Bay, involved in a multi-million dollar international sweepstakes and lottery scam blamed for many of the 200-plus murders committed in the area over the previous 14 months. *The Jamaica Observer* reported on 16 February 2007 that: "Cops... raided 13 locations in Hanover and St James, arresting more than 30 persons, six of whom are believed to be key players. ...Inspector Steven Brown told journalists... "the notorious Stone Crusher gang is closely associated with racketeers." [36as] Their involvement in turf wars was reported in the same source in February 2007 - "There is this group called the Stone Crusher. ... They have been influencing a lot of these murders." (Jamaica Observer, 18 February 2007) [36at] The killing of their leader, Rohan 'Don' Gordan by police was reported in May 2007 "as a major achievement in their

fight against crime in this resort city.” The gang has been blamed for many of the 178 murders committed in St James in 2006 and have been named – “as [one of] the chief perpetrators in a spate of murders across St James, said to be responsible for a trail of double and triple murders, including the killings of entire families in Norwood.” The police established an arm of Operation Kingfish in St James in December 2006 in response. (Jamaica Observer, 21 May 2007) [36aw] Gordon’s killing is also reported in the *Jamaica Gleaner*, claiming him to have “topped the St. James police most- wanted list,” and the Stone Crusher gang to be “responsible for a wave of heinous murders which has swept the tourism capital Montego Bay and satellite communities over the past two years.” (Jamaica Gleaner, 21 May 2007) [34bx] Stone Crusher member Kavian Chin was shot dead by police on 11 February 2007 (Jamaica Gleaner, 11 February 2007) [34bu] Stone Crusher member Rohan Stennett from Norwood was killed in June 2007 in a shoot-out with police in St Mary. (Jamaica Observer, 4 June 2007) [36ax]

- 8.29 **Tight Pants gang.** An article in the *Jamaica Observer* in May 2007 reported this gang as operating in the Albion and Gully areas of Montego bay “as [one of] the chief perpetrators in a spate of murders across St James.” [36aw] A source from February 2007 also identifies the gang as operating in the St James parish. (Jamaica Observer, 18 February 2007) [36at]

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Kevin ‘Richie Poo’ Tyndale

- 8.30 In September 2006, *The Jamaica Observer* reported on the sentencing of Gideon Warrior member Kevin Tyndale in September 2005 to a total of 90 years in prison for charges including robbery, wounding, and the shooting of a policeman in January 2004. [36k]
- 8.31 The *Jamaica Gleaner* reported on 4 February 2006 that following the guilty of murder verdict on Kevin Tyndale and his accomplice, Brenton Fletcher, sentences of life imprisonment were imposed upon them both. The report noted that “The judge recommended that Tyndale, who fired the fatal shot, should serve 35 years before he was eligible for parole. Fletcher, who had exchanged his firearm with Tyndale immediately before Tyndale fired the shot, must serve 20 years before he will be eligible for parole.” [34t]

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SECURITY FORCES

- 9.01 The USSD report for 2006 noted that “The Ministry of National Security oversaw the JCF [Jamaica Constabulary Force] and the JDF (Jamaica Defence Force) ... The JCF had primary responsibility for internal security and is assisted by the Island Special Constabulary Force....” [8g] (p2, Section 1d)
- 9.02 The Jamaica Information Service reports in an undated article on the responsibility of the national forces, the JDF and the JCF, as providers of national security. The article reports that the JDF provides defence to the nation, assistance to the police and surveillance of Jamaica’s waters. It states roles of the JCF as “Maintenance of law and order, prevention and detection of crime, protection of life, investigation of alleged crimes and enforcement of all criminal laws.” [24ac]

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POLICE

The Jamaica Constabulary Force (JCF)

- 9.03 The Jamaica Information Service reported in an undated article that “the Police Department ... comprises the JCF and the Island Special Constabulary Force (ISCF). ... [which] is the first reserve to the regular police force in all facets policing, including the detection and investigation of major crimes and breaches of the Road Traffic Act.” [24ac] The article also mentions the District Constabulary Force, also known as the Rural Police Force, who receive entrants recruited by the Jamaican Police Academy. [24ac]
- 9.04 Policing and crime fighting operations are carried out by special units which include:
- Homicide Squad
 - Fingerprint Bureau
 - Criminal Intelligence Division
 - Organised Crime Unit and Vice Unit
 - Fraud Squad
 - Flying Squad
 - Fatal Shooting Unit
 - Five Area Crime Officers
 - National Firearm and Drug Intelligence Branch
 - Stolen Motor Vehicle Investigation Unit
 - Photographic Unit
 - Crime Statistics Unit. [24ac]
- 9.05 The USSD report for 2006 noted that:
- “The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. Faced with a high rate of killings, the JCF generally was not effective. Although the homicide rate declined from 2005, the country still experienced one of the highest levels of

violent crime in its history, and the perception of corruption and impunity within the force was a serious problem that contributed to a lack of public confidence in the institution. The Professional Standards Branch of the JCF, with responsibility to tackle corruption in the force, has never been able to charge or have dismissed even one senior police officer. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms.” [8g] (p3, Section 1d)

- 9.06 In June 2007, the Jamaica Information Service reported on 24-hour counselling telephone helpline set up for members of the JCF, with funding from the Pan American Health Organisation (PAHO), providing advice on issues like domestic violence, stress management and support for persons being tested for HIV. [24ad]

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Police resources

- 9.07 On 1 March 2005, British police officer Mark Shields was seconded to the JCF to help lead the campaign against crime and violence. [34j]
- 9.08 Assistant Commissioner of Police, Leslie Green, believes that a lack of resources and deficiencies in forensic capabilities in the JCF are contributing to the high rate of unsolved murders and that Jamaica is far behind in crime scene investigation. He stated that an insufficient budget contributed to the problem. However, the officer, who is on secondment from the UK, did admit that he had seen some successes since his arrival in Jamaica earlier this year (2006). Such successes include working with detectives to win over the confidence of witnesses and prioritising the need to bring new forensic tools to assist in obtaining evidence. (Jamaica Gleaner, 18 October 2006) [34ae]
- 9.09 On the 25 January 2006, *The Jamaica Observer* reported on the opening of the first model community policing and multi-purpose community services facility in Grants Pen, St Andrew. [36z] Police stated that there has been a 100 per cent reduction in serious crime in Grants Pen since November 2005, which they attribute to the increased police presence since the opening of the community services facility, as well as effective community policing in the area. (Jamaica Gleaner, 19 May 2006) [34ac]
- 9.10 On the 15 February 2006, the *Jamaica Gleaner* reported “Two more British policemen have signed contracts to join the Jamaica Constabulary Force (JCF) at the rank of assistant commissioner of police (ACP).” The report noted that “Metropolitan Police (New Scotland Yard) detective Paul Robinson will start on April 18 [2006] and Scottish officer John McLean on May 29 [2006]. They will be responsible for firearms standards and community policing, respectively.” [34ba]
- 9.11 The Automated Palm and Fingerprint Identification System (APFIS) is currently being installed and will allow for the taking of fingerprints at scenes of crime and matching them electronically against existing data bases. The Integrated Ballistic Identification System (IBIS) will also allow the police to

collect ballistic evidence at scenes of crime and match this against a database. (Jamaica Information Service, 2 June 2006) [24n]

- 9.12 On 28 May 2007, the Jamaica Information Service reported that over \$10 million had been spent to upgrade the JCF's radio system, which became fully operational in June 2007. A modern fingerprint database system and a closed circuit television system were also funded by the Ministry of National Security. [24aq]
- 9.13 On 13 June 2007, Justin Felice from the Northern Ireland Police Service joined the JCF as Assistant Commissioner of Police, with responsibilities for anti-corruption activities. (Jamaica Information Service, 13 June 2007) [24al]
- 9.14 On 14 June 2007, the Jamaica Information Service reported on a recruitment drive by the JCF to highlight career opportunities in the force, and ensure recruitment of the best young school leavers. [24am]
- 9.15 The source also reported on the same date that over \$250 million was to be spent during 2007 to acquire around 150 vehicles to bolster the JCF. The article states that in the past year, approximately \$457 million has already been spent procuring 188 new vehicles for the force. [24an]

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Witness Protection Programme

- 9.16 The Witness Protection Programme is provided for by the Justice Protection Act (Act 23 of 2001). As stated in the Justice Protection Act, it is an "Act to Establish a programme or assistance to certain witnesses and other persons." [56] (p3)
- 9.17 In a letter dated 22 February 2006, the Foreign and Commonwealth Office listed the eligibility criteria for the Witness Protection Programme. The FCO stated that anyone who wants to testify in court and fears for his/her life is eligible for the programme. The witness is evaluated to make sure protection is needed and able to follow the rules of the programme. The FCO noted that a witness is required to remain in the programme until after the case is tried and it is deemed safe for that person to leave the programme. [6b]
- 9.18 The *Jamaica Gleaner* reported on 9 April 2006 that there were 338 people under the Witness Protection Programme at the time, 115 of those being primary witnesses and four are minors. Witnesses in the WPP are offered "100 per cent protection". Their testimonies have resulted in a number of criminals being brought to justice since the programme's inception in 1997. [34af]
- 9.19 The USSD report for 2006 noted:

 "There was a general lack of confidence in the police's witness protection program, which led to the dismissal of a number of cases involving killings. In a culture where it was widely believed that 'informers will die,' some criminal trials were dismissed because witnesses failed to come forward as a result of threats and intimidation. Some of those who came forward qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness

protection program who abided by the rules of the program has ever been killed.” [8g] (p3, Section 1e)

- 9.20 The *Jamaica Gleaner* however reported in June 2007 on the success of the Witness Protection Program, which the Ministry of National Security took control of from the JCF 10 years ago. The article states: “no witness under government protection has been killed or harmed. ...Nearly 1,500 persons have benefited... including both primary witnesses and their families.” [34ce]

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Safety of witnesses outside the Witness Protection Programme

- 9.21 Amnesty International's *Sexual violence against women and girls in Jamaica* report, dated 22 June 2006, noted:

“Killings, threatening and extortion of witnesses by gang members is common. This, combined with low levels of awareness of the workings of the criminal justice system, means that witnesses are often reluctant to testify in criminal cases. One NGO worker told Amnesty International that the justice system even has difficulties getting character witnesses to testify as to the good character of the accused, because witnesses were so terrified that ‘word would get out’, that the person had been a witness in court. Even being seen at a police station may give rise to fears that someone is an ‘informer’. Most sexual violence in communities in Jamaica goes unreported because women are fearful of the retaliation of gang members.” [9b] (4d, The judicial response)
 “Approximately 32 per cent of all homicides in Jamaica are reprisal based, and women are increasingly targeted as informers” [9b] (Guns, gangs and rising levels of violence)

- 9.22 The *Jamaica Gleaner* reported on 19 February 2007 on the fatal shooting of a man scheduled to appear a witness in a murder trial in St Catherine, by unknown assailants. The man had allegedly refused to go into the witness protection system. [34cg]

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Crime-fighting initiatives

- 9.23 The *Jamaica Gleaner*, dated 23 July 2005, noted that:

“The Senate yesterday [22 July 2005] passed the Firearms Bill to establish a new centralised and independent Gun Licensing Authority that will grant and revoke gun licences, permits and certificates. Entitled an Act to Amend the Firearms Act 2005, the bill was passed with several amendments. The legislation also provides for the establishment of a Review Board to hear appeals following the refusal to grant or revocation of a gun licence, certificate or permit.” [34e]

- 9.24 Caribbean Net News reported on 3 February 2006 on Jamaica Commissioner of Police, Lucius Thomas's unveiling of an eight-point action plan designed to reduce the country's murder rate by five per cent by the end of 2006. To be

included in the strategy was a 'crime hot spot secretariat' in the Jamaica Constabulary Force (JCF), to improve the management and analysis of information about serious crimes and ensure deployment of police where they are most needed; the establishment of a Major Investigation Taskforce (MIT) in Kingston and St Andrew, to improve the JCF's investigation of murders, shootings and other serious crimes, and; improvement of the use of forensic science by introducing new policies, technologies and procedures, including the new IBIS ballistic machine already on the island, and a new digital fingerprinting system. [57]

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Operation Kingfish

- 9.25 Operation Kingfish was unveiled on 19 October 2004 as a crime-fighting initiative to break up the criminal gangs responsible much of Jamaica's inner-city gun-violence, [34bg] supported by security forces including the JCF and JDF. [34bh]
- 9.26 A year after its launch, Operation Kingfish had arrested 235 persons in connection to firearms, drugs and ammunition and apprehended 32 wanted persons. It helped dismantle or disrupt gangs such as the 'Gideon Warriors', who's leaders Kevin 'Richie Poo' Tyndale and Joel Andem were arrested, the 'Klansman' gang, whose leader Donovan 'Bulbie' Bennett shot and killed during a joint police military operation in October 2005, and the 'One Order' gang. [24a] [34bk] [34bj] The 'Spanglers' gang were also dismantled by the Operation, when Donald Zekes' Phipps was arrested on two counts of murder. [34bk] The Operation also helped confiscate of over 1,240 firearms, more than 2,500 cartridges, 12 tonnes of cocaine and 4,300 pounds of compressed cannabis." [36m] Better relations between the police and the community were also said to have been forged by the operation. [24a]

(See also [Gang violence](#))

- 9.27 Operation Kingfish is still active; an article in the *Jamaica Gleaner* in June 2007 reports on a special unit set up to retrieve illegal firearms. [34cf]

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Avenues of Complaint

The Authority is

- 9.28 The Police Public Complaints Authority is "an independent, non-police agency with the power to investigate allegations of misconduct filed by members of the public against members of the Jamaica Constabulary Force and its Auxiliaries. Investigations are conducted in an impartial and objective fashion by the Authority's Investigative Staff which is made up solely of civilian employees. ... Complaints may be made by a member of the public, whether or not that person is affected by the subject of the complaint, or by any person on behalf of a member of the public so affected, but with his/her written consent." (Ministry of Justice) [47]

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Arbitrary arrest and detention

- 9.29 The USSD report for 2006 noted that the law prohibits arbitrary arrest. However, the report stated:

“There were reports of arbitrary arrest during the year, and the authorities continued their cordon and search policy in neighborhoods where they believed certain suspects may be present. During these operations, conducted by the JCF sometimes in conjunction with the JDF, authorities detained groups of people and took them to a police station or other safe area where they were processed and held pending determination whether they were the suspects the police were looking for. By law, unless special permission is granted by a justice of the peace or a resident magistrate, persons must be released within 24 hours if they have not been charged with a crime... Arrests normally require warrants signed by a police officer of the rank of station sergeant or higher; however, arrests may be made without warrants.” [8g] (p3, Section 1d)

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Extra-judicial killings

- 9.30 The USSD report for 2006 noted that “While the government or its agents did not commit any politically motivated killings, security forces committed some unlawful or unwarranted killings during the year [2006].” [8g] (p1, Section 1a)
- 9.31 The 2007 Amnesty International report on Jamaica noted that “Reports of police brutality continued. At least 138 people were allegedly killed by police during the year. Impunity for police abuses and a complete lack of accountability in the security and justice systems remained the norm.” [9k] (p2, Unlawful killings)

(See [Prosecution of state officials accused of ill-treatment](#) and [Crawle \(Kraal\) trial](#))

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Use of excessive force by the police

- 9.32 The USSD report for 2006 noted that “The police frequently employed lethal force in apprehending criminal suspects, which resulted in 189 deaths (including 10 police officers) as of early December, compared with 160 deaths (including 13 police officers) for the same period in 2005. While allegations of ‘police murder’ remained frequent, the validity of some of the allegations was suspect.” [8g] (p1, Section 1a)
- 9.33 The same report noted that “The JCF continued an initiative of community policing to address the problem of long-standing antipathy between the security forces and many poor inner-city neighborhoods. The initiative

included assigning JCF officers to targeted schools as resource officers to stem school violence and serve as liaison between the students, faculty, parents, and the police. The police academy includes training for policemen on citizens' rights and human rights." [8g] (p3, Section 1d)

- 9.34 *The Jamaica Observer* reported on 6 January 2006 on the police shooting of St. Elizabeth resident, Roger Banton, 23, on the 5 January 2006. The report noted that police claimed when they knocked on the door of the house Banton was staying, he opened the door and pointed a gun at them. The police opened fire hitting Banton, and later took a Larcin pistol with three live rounds. They also claim Banton was wanted for a murder in neighbouring district Vineyard in June 2005. [36p] According to residents, who rejected the police's account of events, Banton had never owned a gun and had never been seen with one. Eyewitnesses threw stones at the police after hearing of Banton's death, and police fired back with tear gas canisters and gunshots, injuring a woman who was shot in the right breast and right arm as a result of stray bullets. [36p]
- 9.36 *The Jamaica Observer* reported on 22 January 2006 that "Stung by continuing criticisms over questionable police shootings, the Jamaica Constabulary Force (JCF) is turning to firearm training to put a dent in the high rate of such incidents, and at the same time sharpen awareness of the legal and moral responsibility of the police in the use of firearms." The report noted that "Senior Superintendent Charles Simpson of the Mobile Reserve, believed the training to be paramount in bringing a higher level of professionalism in the use of the firearm and hopefully reduce the levels of controversial shootings." [36s]

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Prosecution of state officials accused of ill-treatment

- 9.37 The USSD report for 2006 noted that:
- "The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. The JCF's BSI [Bureau of Special Investigations], which employed 23 investigators, specifically addresses police shootings. The BSI completed 452 investigations and sent 280 investigations of shooting incidents to the DPP during the year. The DPP ruled on 238 cases and sent an undetermined number to criminal courts. No officer was found criminally liable during the year. The BSI supplemented the JCF Office of Professional Responsibility, which investigated police corruption and other misconduct, and the civilian Police Public Complaints Authority [PPCA], which oversaw investigations of the other two bodies and could initiate its own investigations." [8g] (p3, Section 1d)
- 9.38 In a press release dated 23 February 2006, Amnesty International (AI) welcomed the conviction of a police officer from the Jamaican Constabulary Force for the murder of a 25 year-old man in November 2000, the first conviction of a Jamaican police officer for murder committed while on duty since October 1999. However, AI expressed concern that there continues to be insufficient will on the part of the security and justice systems in Jamaica to effectively tackle impunity for police killings. The report noted "While this is a

positive development in the fight against impunity for police killings, this is just the tip of the iceberg, and is not enough to restore the public's faith in the Jamaican judicial system,' said Susan Lee, Director of Amnesty International's America Programme." [9f]

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Cases of police impunity

9.39 Four police officers charged with murdering two elderly residents in Flankers, St James, in October 2003, were found not guilty of both murder and manslaughter, on 20 July 2006. A fifth officer, who was also charged with the killings, was freed the previous week due to lack of evidence. David Bacchas and Cecil Brown were gunned down in a pre-dawn police operation on 25 October 2003. The police initially said that the two men were killed when gunmen fired at the police who then returned fire. The police later admitted the shootings were accidental. However, the defence attorneys insisted that Bacchas and Brown were killed in a shoot-out, arguing that the police fired upon Bacchas's taxi without provocation. (*The Jamaica Observer*, 21 July 2006) [36h]

9.40 As noted in an undated report on Jamaica's investigation and prosecution of deaths at the hands of agents of the state, 'Pattern of Impunity', which was presented to the Inter-American Commission on Human Rights by Jamaicans for Justice, accessed 31 October 2007:

"Jamaica has one of the highest per capita rates of lethal police shootings in the world on average 140 people per year have been shot and killed by the police in the last decade, in a country whose population is only 2.6 million. Compounding this problem is the fact that almost all investigations and prosecutions of fatal police shootings are perfunctory, inadequate and unsatisfactory and do not meet international standards....The Government of Jamaica has failed to properly investigate police shootings on several systemic levels, including: A failure to preserve the crime scene and collect forensic evidence; A failure to protect witnesses of police shootings against intimidation and harassment, (at times the Police themselves are the perpetrators of the harassment and intimidation); and a failure to grant legislative support and resources to an independent investigative body to oversee the investigation of police shootings. Furthermore, there has been a failure on the part of the Government of Jamaica to provide: A speedy and efficient remedy to victims' families in terms of both the investigation (including adequate autopsy and post-mortem procedures) and the judicial proceedings. This failure includes a failure to prosecute police officials for the killing of civilians, despite overwhelming evidence." [50b] (p4)

9.41 The same Jamaicans for Justice report stated that:

"In Jamaica there is a clear pattern of police impunity for killings of civilians due to a combination of factors including: systematically poor investigative procedures; weaknesses of oversight bodies and mechanisms; failure to protect witnesses; delays and weaknesses in the processes of the courts; weaknesses and lack of will in the office of the Director of Public Prosecutions; and lack of political will to correct the problem. By improperly investigating and

prosecuting fatal police shootings Jamaican authorities are not only undermining the trust relationship that exists between a government and its people but also the internationally guaranteed fundamental right to life.”
[50b] (p3)

- 9.42 The Amnesty International (AI) 2007 Annual Report on Jamaica did not report on any cases of police impunity for unlawful killings. Glenroy McDermoth from the Jamaica Constabulary Force was sentenced to life in prison for the shooting and killing of Michael Dorsett in 2000. [9k] (p2 Unlawful killings)

(See [Crawle \(Kraal\) trial](#))

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Crawle (Kraal) trial

- 9.43 The *Jamaica Gleaner* reported on 13 December 2005 that “Three of the six policemen charged with murder of four civilians at Kraal, Clarendon, on May 7, 2003, were freed yesterday after Chief Justice Lensley Wolfe ruled there was no case in law against them.” The report noted that the Chief Justice directed the jury to return a formal verdict of not guilty in respect of Constables Devon Bernard, Leford Gordon and Roderick Collier. [34g]
- 9.44 Senior Superintendent Reneto Adams was officially reinstated to active duty in the JCF on 12 June 2006. He is now based at the JCF headquarters at Old Hope Road, St Andrew. (*Jamaica Gleaner*, 13 June 2006) [34x]

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MILITARY SERVICE

- 10.01 The War Resisters' International CONCODOC [Conscription and Conscientious Objection Documentation Project] 1998 report, issued on 5 April 1998, noted that "Conscription has never existed since independence was achieved in 1962. There is no legislation providing for conscription." The report also states that "The legal enlistment age is between the ages of 18 and 24." [27]

(See Military Service)

CONSCIENTIOUS OBJECTION

- 10.02 The same publication noted that "There is no known legal provision for conscientious objection. In 1998 the government stated that, as military service is voluntary, 'the question of Conscientious Objection status does not apply.'" [27]

DRAFT EVASION AND DESERTION

- 10.03 The War Resisters' International report 1998 also noted that "Desertion is punishable by up to two years' imprisonment in peacetime. In wartime desertion is punishable by firing squad execution." [27]

ARMED FORCES

- 10.04 The Jamaica Information Service reports in an undated article on the national forces, the Jamaica Defence Force (JDF) and the Jamaica Constabulary Force (JCF), which provide the security of Jamaica. The article states: "The [JDF] comprises an infantry Regiment and Reserve Corps, an Air Wing, a Coast Guard fleet and a supporting Engineering Unit. The main functions of the Force relate to:
- Defence of the nation in the event of aggression
 - Assistance to the police and other agencies in the event of civil disturbances or major disasters
 - Surveillance of Jamaica's territorial waters in support of fisheries protection, anti-smuggling and narcotics control measures." [24ac]
- 10.05 The article goes on to state: "The Jamaica Defence Force Coast Guard is responsible for the surveillance and security of Jamaica's coastal waters, which involves the apprehension of illegal immigrants, criminals, bandits and other undesirables entering Jamaica's territorial waters, and handing them over to the police. It also undertakes search and rescue operations and assists in narcotic control, and the protection of fisheries." [24ac]
- 10.06 The JDF [Jamaica Defence Force] was charged with national defence, marine narcotics interdiction, and JCF support. The JDF had no mandate to maintain law and order and no powers of arrest (with the exception of the JDF Coast Guard in the maritime domain), unless so ordered by the prime minister. The Jamaica Regiment (JDF infantry forces) was detached as part of a joint internal security operation to assist the JCF in patrolling certain communities.

The prime minister occasionally authorised the JDF to cordon and search with the JCF. [8g] (p2, Section 1d)

- 10.07 On 27 June 2007 the Jamaica Information Service reported that the JDF had acquired the final of three patrol vessels to help with the effective monitoring of Jamaica's territorial waters and reduce the illegal international drugs and ammunition trade. The maritime vessels are part of a new fleet of 27 others, which have cost around £340 million. Funding for a new aviation training school was also provided to train existing aviators. [24ao]

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JUDICIARY

ORGANISATION

- 11.01 The USSD report for 2006 stated that “The court system includes justices of the peace, resident magistrate’s courts, and the Supreme Court, which has unlimited jurisdiction in civil and criminal matters. Defendants have the right to appeal a conviction in any of the three trial courts to the Court of Appeal, which is the highest court in the country. The Privy Council in the United Kingdom is the final court of appeal.” [8g] (p4, Section 1e)

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Caribbean Court of Justice

- 11.02 A Latin America Press report, dated 19 March 2001, noted that the Caribbean heads of Government signed a landmark agreement to establish the Caribbean Court of Justice (CCJ). However, in Jamaica several organisations, including the country’s bar association, oppose the regional judicial body. It is intended that the new court will replace the British Privy Council as the court of last resort for the region. [13a]
- 11.03 An article in *The Jamaica Observer*, dated 15 June 2004, noted that “The Privy Council effectively ruled on 14 June 2004 that the Jamaican Parliament could abolish appeals to the UK-based court without the need for further major constitutional amendments. This decision was interpreted by the government as removing a substantial hurdle to the island’s participation in the Caribbean Court of Justice (CCJ).” [36n]
- 11.04 The *Jamaica Gleaner*, dated 4 February 2005, reported that the Government is standing firm on its vow to establish the controversial Caribbean Court of Justice (CCJ) as the nation’s final court of appeal, despite the ruling on 3 February 2005 by the United Kingdom-based Privy Council that the Government’s handling of the process last year where the CCJ bills were passed in Parliament, was unconstitutional. Reacting to the ruling, Prime Minister P J Patterson said that the government’s legal team was completing its analysis of the judgement delivered by the British law lords, and that Cabinet would consider the matter fully on 7 February 2005. Mr Patterson stated that “The Jamaican Government remains committed to the establishment of the CCJ as our final appellate court.” [34bm]
- 11.05 *The Jamaica Observer*, dated 18 April 2005, reported that “The political Opposition and a leading Human Rights organisation in Jamaica on Saturday [16 April 2005] cautiously welcomed the historic inauguration of the Caribbean Court of Justice (CCJ) – ending for now – a bitter row that forced the Government to abandon plans [to] use it to replace the England-based Privy Council.” The CCJ bill was passed earlier that week by the House of Representatives. [36t]
- 11.06 On 21 October 2005, *The Jamaica Observer* noted “...[that] the Opposition held fast to its demand for a referendum for Jamaicans to decide on whether they want the Caribbean Court of Justice as their court of final appeal.” [36v]

- 11.07 On 20 January 2007 the Jamaica Information Service reported that the Ministry of Justice had obtained a draft of the legislation that would allow for the substitution of the appellate jurisdiction of the Caribbean Court of Justice for that of the Privy Council. [24bf]

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INDEPENDENCE

- 11.08 The USSD report for 2006 noted that “The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judicial system was overburdened and operated with inadequate resources.” [8g] (Section 1e)

FAIR TRIAL

- 11.09 The USSD report for 2006 stated “Most trials are public and use juries. Defendants are presumed innocent, have the right to counsel, and have the right to confront witnesses against them. ... The public defender may bring cases for persons who have had their constitutional rights violated. Although the Public Defender’s Office contracted private attorneys to represent clients, funds were insufficient to meet the demand, and such attorneys sometimes requested payment from clients.” [8g] (p4, Section 1e)

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Legal Aid

- 11.10 The USSD report for 2006 noted “[that] Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act.” [8g] (p4, Section 1e)
- 11.11 On 30 August 2007 the Jamaica Information Service reported that the Legal Aid Clinic continued to provide assistance to poorer individuals and had increased its operations to include two mobile units and Montego Bay and Kingston Legal Aid Clinics. The article also states that “Under the Legal Aid Act, any person who has reasonable grounds for taking or defending a legal action is not prevented from doing so due to a lack of means. It also makes provision for aid to be granted to any person who is detained at a police station, a lock up, or similar facilities.” [24be]

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ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 Under Chapter 3 section 15 of the Jamaica Constitution 1962, the Constitution provides for the fundamental right to protection from arbitrary arrest and detention. [2] (Section 15)
- 12.02 The USSD report for 2006 noted that “The law permits the arrest of persons ‘reasonably suspected’ of having committed a crime. ... Although the law requires police to present a detainee in court within a reasonable time period, in practice authorities continued to detain suspects for lengthy periods (often up to two or three years), which the government attributed to an overburdened court system. Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained.” [8g] (p2-3 Section 1d)
- 12.03 The USSD report for 2006 also stated that:
- “The law requires detained suspects to be charged or released within 24 hours of arrest. The law also requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial), if requested by the detainee, upon detention; however, authorities continued to wait until after detainees had been identified in an identification lineup before contacting duty counsel for them. There was a functioning bail system... [and] detainees were provided with prompt access to family members.” [8g] (p3, Section 1e)
- 12.04 The same report further noted that “Although the constitution prohibits such actions, the revised Constabulary Force Act gives security personnel broad powers of search and seizure. This act allows search without a warrant of a person on board or disembarking from a ship or boat, if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants. There were no allegations of unauthorized wiretapping by police.” [8g] (p4, Section 1f)

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PRISON CONDITIONS

13.01 As noted by the USSD report for 2006:

"Prison conditions remained poor, primarily due to overcrowding and poor sanitary conditions. The Department of Correctional Services took measures during the year to improve catering services and also entered into a new contract for insect and rodent control for all facilities. Medical care also was poor; primarily a result of having few doctors on staff. Men and women were incarcerated in separate facilities under similar conditions, except that women's prisons were generally not overcrowded. Although the law prohibits the incarceration of children in adult prisons, some juveniles were held with adults in jails. Adults and juveniles were segregated in the prison system. The majority of pretrial detainees were held in police custody either in police stations or in remand centers, generally separate from convicted prisoners. In general, the government allowed private groups, voluntary and religious organizations, local and international human rights organizations, and the media to visit prisons and monitor prison conditions, and such visits took place during the year." [8g] (p2, Section 1c)

13.02 Reporting on torture and other cruel, inhuman, or degrading treatment or punishment, the USSD report for 2006 also noted that:

"Although the law prohibits such practices, reports of physical abuse of prisoners by guards continued, despite efforts by the government to remove abusive guards and improve procedures. At year's end police were reviewing the case of one correctional officer under investigation for aiding with a 2005 prison escape. The Ministry of National Security reviewed 2005 charges by a former prison doctor for the St. Catherine Adult Correction Center in Spanish Town, who alleged that mass rapes, particularly of mentally ill inmates and inmates serving time for non violent offenses, occurred at the prison during the year. The corrections commissioner referred to the doctor as "disgruntled" and noted that he quit work in 2002. The investigation found one case reported in 2004 in which one inmate who claimed he was victimized by another was of "unsound mind," and it could not corroborate the other allegations made by the doctor." [8g] (p2, Section 1c)

13.04 As stated in the USSD report for 2006 "During the year [2006] one detainee died while in police custody... The police commissioner suspended five police officers the next day, and the case was under review by the Jamaica Constabulary Force's (JCF) Professional Standards Branch at year's end." [8g] (p1, Section 1a)

13.04 Prison officers at Spanish Town's maximum security penal facility were under an internal investigation following the death of an inmate on 1 October 2006. Patrick Dixon was stabbed several times by a fellow prisoner, although it was unclear of the motive for the killing. Head of the Department for Correctional Services, Major Richard Reese, stated that the officers who were responsible for supervising the inmates would be subject to investigation. (Jamaica Gleaner, 20 October 2006) [34bt]

13.06 The USSD report for 2006 stated:

“Male inmates deemed by prison wardens to be homosexual are held in a separate facility for their protection. The method used for determining their sexual orientation is subjective and not regulated by the prison system, although inmates were said to admit their homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated both by the wardens and by other inmates, but few inmates sought recourse through the prison system.” [8g] (p8, Section 5)

(See also [Violence against gay men](#))

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MENTALLY CHALLENGED INMATES

13.07 On the 11 November 2005, the Senate passed legislation intended to provide better care and protection for prison inmates who are mentally ill. Improvements were carried out in conjunction with the Ministry of Health and the implementation of a twenty-page proposal which included the relocation of mentally ill inmates from the St. Catherine and Tower Street correctional facilities to a secure area. [34bn]

13.08 On 18 December 2005 *The Jamaica Observer* noted that currently prisons refer patients to Bellevue Hospital, a stand-alone state-run mental institution which the government is scaling down following the announcement of plans to close the Hospital permanently. [36ad]

(See also [Mental health](#))

13.09 The *Jamaica Gleaner* noted on the 22 December 2005 that through the Canada Fund for Local Initiatives (CFLI) Jamaica, the Canadian Government has contributed J\$500,000 to the Independent Jamaica Council for Human Rights (IJCHR) to help with efforts to reduce the number of mentally ill persons in Jamaica's prisons. The report noted that “The money will go towards the IJCHR's Mentally Ill Persons in Prisons Project. The goal of the project is to:

- Locate all persons who have been remanded in custody on the basis that they were unfit to plead, and assess their fitness to plead.
- Have all persons who are fit to plead placed before the court and their cases disposed of.
- Secure accommodation and aftercare for those detainees/inmates released.
- Have the cases of persons still unfit to plead, monitored by the court and disposed of once they have been assessed by a psychiatrist.” [34bo]

13.10 In 3 March 2006, Major Richard Reese, Commissioner of Corrections, disclosed that in the last two years, 34 out of 74 mentally ill inmates who were lost in the prison system after being declared unfit to plead, have been processed and sent home. [34l]

13.11 On 18 March 2007 the *Jamaica Gleaner* reported that a number of mentally ill inmates in the St. Catherine Adult Correctional Centre were being targeted by

other inmates and correctional officers for forced sex. Inmates were allegedly gang-raped and seventy-five mentally ill inmates were made HIV-positive as a result, eight of which developed AIDS due to the prison administration's failure to treat them. Three reported had died during 2007, and another died in Spanish Town Hospital last week. [34cq]

- 13.12 A Justice System Reform Task Force recommended that offenders committing crimes because of mental disorders should be sentenced by a mental health court, due to concerns with their treatment under the current justice system. [24x] An article by Jamaica Information Service in June 2007 considers, "the lack of proper facilities at police and courthouse lock-ups to hold mentally ill persons in detention; the lack of proper medical care, including medication, for those being held; the length of time mentally ill offenders are required to remain in detention until they are assessed and dealt with by the courts; and the lack of proper training for police, judges, prosecutors, defence lawyers, probation officers, and prison officials on appropriate ways to deal with the mentally ill" as concerns. [24x]

(See also [Mental health](#))

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DEATH PENALTY

- 14.02 As noted by the Italian NGO Hands off Cain, accessed 16 August 2006, which campaigns for an end to the death penalty worldwide:

“On the issue of capital punishment, the Jamaica Constitution states, ‘No person shall intentionally be deprived of his life save in execution of a sentence of a court in respect of a criminal offence of which he has been convicted’. Murder is a capital crime, except for pregnant women, persons over 70 years of age and those who committed crimes when under eighteen years old. The last hanging in Jamaica took place in 1988. Nathan Foster was executed at the St Catherine Adult Correctional Facility on February 18 [1988].” [17]

- 14.03 The same source stated that in 1993, the London-based Privy Council ruled that five years on death row constituted unusual and inhumane punishment, thus establishing a five-year limit for prisoners on death row. On 7 July 2004, the UK Privy Council won a reprieve for more than 60 prisoners on death row after finding that the 1992 Offences Against the Persons Act, which introduced that mandatory death sentence for capital murder was inconsistent with section 17(1) of Jamaica’s Constitution. As of February 2005, there were more than 29 prisoners on death row. [17]

- 14.04 The Amnesty International Annual report of 2007 stated “No executions took place during 2006. ...The 1993 Privy Council ruling that sentences on death row prisoners must be carried out within five years or be commuted remained in force. Some calls were made by high-ranking government officials to renew hangings. Seven prisoners were held on death row”. [9k] (p2, Death Penalty)

(See [Caribbean Court of Justice](#))

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POLITICAL AFFILIATION

- 15.01 The USSD report for 2006 noted that “All citizens age 18 and over have the right to vote by secret ballot. However, in recent elections voters living in ‘garrison communities’ in inner-city areas dominated by one of the two major political parties often faced substantial influence and pressure from politically connected gangs and young men hired by political parties, which impeded the free exercise of their right to vote.” [8g] (p5, Section 3)

(See also Annex B: [Political Organisations](#), and [Garrison communities](#))

- 15.03 The USSD report for 2006 also noted that “There were no reports of politically motivated disappearances.” [8g] (p2, Section 1b)

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Garrison communities

- 15.04 The Bertelsmann Transformation Index (BTI), a global ranking that analyses and evaluates development and transformation in 119 different countries, noted in their 2006 report that:

“The state’s monopoly on the use of force in Jamaica is widely secured, but it is still limited in some urban residential areas and constituencies. There are some communities, particularly in Kingston, that are under much less political control than in the past and are dominated by criminal gangs and clientele-istic networks. Since the 1960s, and especially in the 1980s, these garrison communities have been centers of political violence, consciously used by politicians of both major parties. This phenomenon, known as political tribalism, declined significantly in the 1990s, but some of these garrison communities still constitute a kind of ‘state within the state’ where drug trafficking also plays an increasingly relevant role. During the time covered in this report, 12 out of 60 of Jamaica’s constituencies were classified as garrison communities to varying degrees. Local party leaders, many of whom are alleged to have connections with criminal gangs and the drug trade, rule these garrisons.” [39] (p4)

- 15.05 The same source noted that although garrison constituencies were estimated at 12 out of 60 constituencies, only four of those stood out in the media coverage of the 2002 elections. [39] (p11)

(See also [Political violence and the election campaign](#))

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FREEDOM OF POLITICAL EXPRESSION

- 15.06 Chapter three of the Jamaica Constitution provides for freedom of expression and freedom of political opinion. [2] The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. [8g] (p5, Section 3)

⁴⁰This Country of Origin Information Report contains the most up-to-date publicly available information as at 8 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.07 The USSD report for 2006 noted that “The law provides for freedom of assembly and association, and the government generally respected this right in practice.” [8g] (p4, Section 2b)

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FREEDOM OF SPEECH AND MEDIA

16.01 The USSD report for 2006 noted that:

“The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views without restriction. However, some local media professionals expressed concern that the country’s libel law limited their freedom of expression. Specifically, news outlets reported the need to self-censor investigative reports because of the potential for courts to award high damages in cases of defamation. In one case the Privy Council awarded a libel judgment of approximately \$540,000 (J\$35 million). That case led one media professional to bring a challenge to government libel laws at the Inter-American Commission on Human Rights in 2005. The Press Association of Jamaica and the Media Association of Jamaica continued to advocate changes in the libel laws, which they stated had a “chilling effect” on the media’s ability to report effectively, especially on political issues.” [8g] (p4, Section 2a)

16.02 The Freedom House Freedom of the Press 2006 Report noted “[that] The country has two national daily newspapers and a daily afternoon tabloid. There are a number of national and regional periodicals serving a variety of sectors and interests. The state broadcasting service was largely privatized in 1997, although Kool FM radio station is still government owned. . .The government’s Jamaica Information Service produces radio programs that are guaranteed airtime on all 16 national radio stations and also produces a 30-minute program about government projects and policies that is aired daily on the 3 national television stations. There are over 1 million internet users in Jamaica whose access is unrestricted by the government. . . There is an Access to Information Act in place.” [32b]

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The USSD report for 2006 stated that:

“A number of domestic and international human rights groups and other international bodies generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The Independent Jamaica Council for Human Rights was the country’s only formal organization concerned with all aspects of human rights. The nongovernmental organization (NGO) Jamaicans for Justice (JFJ) focused on the issues of police impunity, extrajudicial killings and excessive use of force by the police and wrote a weekly newspaper column. JFJ reported that undercover police regularly attended its meetings. Some members of the police and the DPP were outspoken in their criticism of the organization. The group used to sit on the board of the Ministry of Justice’s Justice Consultative Committee; however, that committee reportedly has not met since 2004.”
[8g] (p6, Section 4)

(See also [Women’s rights groups](#))

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CORRUPTION

- 18.01 On 6 January 2006, the *Jamaica Gleaner* reported:

“Following through on his commitment to rid the Jamaica Constabulary Force (JCF) of corrupt policemen, Commissioner of Police Lucius Thomas has requested that three additional cops be retired in the interest of the public. Reports are that the commissioner has asked the Police Services Commission (PSC), a civilian oversight body, to relieve three narcotics policemen of their duties. This action brings to 11, the total number of policemen being asked to be relieved of their duties.” [34y]

- 18.02 As reported in *The Jamaica Observer* on 15 January 2006:

“Lucius Thomas completes his first year as police commissioner this Thursday itching to continue an internal anti-corruption drive that, he said, has so far rid the constabulary of at least 50 cops since January 2005. At the same time, Thomas is pushing his officers on a relentless drive to win back public trust ruined by years of police abuse and killings of citizens that, in most instances, are alleged to be extra-judicial.” [36aq]

(See also [Extrajudicial killings](#))

- 18.03 On the 1 June 2006, the Internal Affairs/Anti-Corruption Division of the Professional Standards Branch (PSB) of the Jamaica Constabulary Force (JCF) disclosed 43 police officers had been arrested on charges of misconduct, with one conviction, and 40 cases against officers are currently before the courts. Since its inception in 2005, the PSB’s Anti-Corruption Division has been pursuing an aggressive anti-corruption drive aimed at ensuring incidents of police misconduct were dealt with promptly and with transparency. [24m]

- 18.04 In March 2007, the Jamaica Information Service reported a total of 58 police officers were arrested in 2006 for corruption, and four more between January and March 2007. The success of the Division has been aided by of incidences of police abuse and misconduct by members being reported by the public. In addition to this education about the implications of corruptions and actions considered as corrupt practices has been given to JCF members. [24aa] Jamaicans for Justice reports on “a paper presented at the workshop on police accountability at the CIVICUS World Assembly, May 23-27, 2007”, which states “aside from a well publicized effort to catch cops on the take from citizens which has had some success, the PSB [Police Services Commission, responsible for approving promotions and dismissal for members of the force above the rank of inspector] appears to be having little effect on the more deep seated problems in the JCF”. [50e]

- 18.05 People’s National Party General Secretary and Information Minister, Colin Campbell, resigned from his post following the receipt of nearly \$470,000 USD towards the PNP’s election campaign, from Dutch-based commodities trader, Trafigura. The monetary gift from the company, which has handled a Jamaican oil contract for over ten years, prompted opposition calls for an investigation into possible influence peddling, after the information was leaked during the week of 2 October 2006. Despite the PNP stating that the donations

were above board, Mr Campbell said he felt obliged to resign due the controversy that had developed and his failure to disclose the large sum of money involved. PNP leader, Portia Simpson Miller, ordered the party to return the money to Trafigura. (Associated Press, 10 October 2006) [52b] An investigation into the contribution and the contract awarded to Trafigura would be formally investigated by the Office of the Contractor General. (Jamaica Gleaner, 11 October 2006) [34br]

- 18.06 Transparency International's Corruption Perceptions Index (CPI) 2007 recorded Jamaica's CPI score as 3.3. CPI score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt). [28]
- 18.07 On 27 September 2007 the *Jamaica Gleaner* reported the Trafigura incident may have had an impact on Jamaica's corruption status, as according to the Transparency International Corruption perception Index it had fallen 23 places. Jamaica had previously achieved a score of 3.7 in 2006. [34cr]

(See also [Operation Kingfish](#); and [Gang violence](#))

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FREEDOM OF RELIGION

- 19.01 The US State Department International Religious Freedom Report 2006 stated that, "The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report, and government policy continued to contribute to the generally free practice of religion." [8i] (p1, Introduction)
- 19.02 The USSD Report on Religious Freedom also stated that:
- "Members of the Rastafarian community continued to complain that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief or were due to the group's illegal use of marijuana as part of Rastafarian religious practice. In 2003 a parliamentary joint select committee on marijuana recommended decriminalization of possession of small quantities for adult personal use. In April 2006 the Senate passed a resolution to have the committee reconvene and conclude its deliberations. At the end of the period covered by this report, the bill was still in Parliament." [8i] (p1, Section II)
- 19.03 The same source noted:
- "In March 2006 the new Prime Minister Portia Simpson Miller instructed her Cabinet to ensure that each government board had a pastor appointed to it. It was clear this initiative was directed at Christians; however, it appeared that religious leaders of all religious groups could be eligible for appointment." [8i] (p1, Section II)
- 19.04 The USSD Report on Religious Freedom 2007 noted that "There were no reports of societal abuses or discrimination based on religious of belief or practice." [8i] (p2, Section III)

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ETHNIC GROUPS

- 20.01 The USSD report for 2006 stated that “The law prohibits discrimination on grounds of race, gender, place of origin, political opinions, color, or creed. The government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities.” [8g] (p6, Section 5) The CIA World Factbook, updated 4 October 2007, noted that Jamaica is made up ethnically of Black 91.2 per cent; Mixed 6.2 per cent; and other or unknown 2.6 per cent. [4]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 21.01 The Jamaica Forum for Lesbians, All-Sexual and Gays (J-Flag) website, accessed on 21 February 2005 states:

“J-Flag is actively lobbying for legal reform. Our Parliamentary Submission to amend the non-discrimination clause within the Constitution to include sexual orientation was reviewed by the Joint Select Committee on the Charter of Rights Bill. In December 2001, the Committee made its recommendations to Parliament. It declined to support our proposed amendment but did recommend that the House consider repealing the Buggery Law. We [J-FLAG] are now strengthening our efforts to ensure the successful passage of this bill through parliament, and will continue to push for the amendment to the constitution.” [26a]

- 21.02 The J-Flag website also stated that:

“Contrary to popular belief, it is not actually illegal to be homosexual in Jamaica. Being a homosexual does not contravene any of the existing laws; however, the law makes certain ‘homosexual acts’ illegal, and these laws are used to persecute gay men. They state that ‘acts of gross indecency’ and buggery [anal sex] are illegal. Although buggery refers to anal sex between a man and another man, a woman or an animal, in practice the law is predominately enforced against two men. Lesbians are also discriminated against in the wider society, however no laws target lesbians or lesbian conduct.” [26c]

- 21.03 The J-Flag website further noted that “The Offences Against Persons Act prohibits ‘acts of gross indecency’ between men, in public or in private. (This is a very general term which can be interpreted to mean any kind of physical intimacy).” Under:

- Article 76 (Unnatural Crime); ‘Whosoever shall be convicted of the abominable crime of buggery [anal intercourse] committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years.’
- Article 77 (Attempt); ‘Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.’
- Article 78 (Proof of Carnal Knowledge); ‘Whenever upon the trial of any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.’
- Article 79 (Outrages on Decency); ‘Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of

gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding 2 years, with or without hard labour.' [26c]

- 21.04 On the 16 February 2006, the *Jamaica Gleaner* noted "The Government said yesterday that it has no intention of decriminalising homosexuality in Jamaica. . ." The report noted "In a statement signed by Justice Minister Senator A.J. Nicholson yesterday [15 February 2006], the administration said there would be no reversal of the law that makes homosexual behaviour illegal." Senator Nicholson was quoted as saying "There is no intention whatsoever on the part of the Government or the Joint Select Committee of Parliament that any door should be opened by provisions in the proposed Charter of Rights and Freedoms, or otherwise, to decriminalise homosexuality or to pave the way for same-sex marriages." [34aq]
- 21.05 The *Jamaica Gleaner* reported on the 19 February 2006 that "While same-sex marriages are illegal in the country, homosexuals can form legal partnerships that give one surviving partner full rights to the other's assets when he or she is dead." [34u]

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VIOLENCE AGAINST GAY MEN

- 21.06 The USSD Country Report 2005 noted that:
- "The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report allegations of human rights abuses, including police harassment, arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents. J-FLAG documented a number of instances of homophobic violence during the year, some of which resulted in charges brought to court, while others were never reported to authorities by reason of fear . . . In December [2005] a homophobic mob allegedly chased homosexual Nokia Cowen off a pier at Kingston Harbor where he drowned. At year's end the police had not identified any suspects in the killing, and the case is no longer being investigated." [8a] (p8, Section 5)
- 21.07 A man had to be rescued by police on the Mona campus of the University of the West Indies (UWI), after he was beaten by students who accused him of being a homosexual. The police had to fire a warning shot into the air to ward off the students before taking the man to a police station to take a statement from him. (Jamaica Observer, 5 April 2006) [36c] Constitutional lawyer and human rights advocate, Dr Lloyd Barnett, "rapped" the students who participated in the beating of the alleged gay man, describing their actions as "irrational". (Jamaica Observer, 7 April 2006) [36ar]
- 21.08 Some dancehall artists have been accused of inciting violence against homosexuals through their music. The lyrics of some popular dancehall songs apparently encourage the killing of gay men, and concerts have been cancelled in Europe and the United States following protests over their 'anti-

gay' lyrics. Following the death of gay activist Brian Williamson, members of a crowd gathered outside his house were heard to be singing lyrics from a well-known dancehall song by Buju Banton about shooting and burning gay men. Some commentators assert that dancehall music is a celebration of heterosexuality and that any homosexual content should be viewed within this context. (The Guardian, 27 April 2006) [20a] In July 2007, the *Guardian* reported: "[Banton] has signed the 'reggae compassionate act' set up by the gay rights campaign group Stop Murder Music, after a three-year campaign to bring him into line." [20d]

- 21.09 Three allegedly homosexual men were attacked by a crowd outside a pharmacy in Kingston in February 2007. The *Jamaica Observer* reported on the incident, where the men were trapped inside the shop while they waited for police to arrive at the scene. When cops did arrive, they were forced to use tear gas to disperse the angry mob. [36be]
- 21.10 The *Jamaica Observer* reported in April 2007 on the attack on three alleged homosexuals who were dancing on a stage during a carnival in Montego Bay. Stones and bottles were thrown at the men, who were then chased and beaten by the crowd. [36bb]
- 21.11 Newsweek International reported in September 2007 that 98 gay men and lesbians were targeted between February and July 2007 in 43 separate mob attacks. The article states that "four lesbians were raped, four gay men murdered, and the houses of two gay men were burned down." [65]

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Availability of protection

- 21.12 A November 2004 Human Rights Watch report stated that victims of homophobic violence were often too scared to appeal to the police for protection for fear that they might be victims of abuse at the hands of police, due to their sexuality. [59b] (p2) The report also stated that Jamaica's sodomy laws made it hard for health officials to work with homosexual men, due to the high level of stigma and discrimination, meaning individuals missed out on services through the public service. [59b] (p4)
- 21.13 In response to the HRW 2004 report on 18 November 2004 an article in the *Jamaica Gleaner* reported that both the government and police forces had denied the findings of abuses towards homosexual males and those affected by HIV/AIDS by the organisation. [34b] [34bh]
- 21.14 The *Jamaica Observer* reports in July 2007 on Jamaican Labour Party (JLP) leader Bruce Golding's assertion that if his party were to come to power, there would be no change to anti-homosexual legislation in Jamaica, despite the issue gaining greater acceptance in communities. [36bd]

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Death of gay rights activist Brian Williamson

- 21.15 An Amnesty International Press Release dated 10 June 2004 reports that Brian Williamson was murdered on 9 June 2004, and urges an investigation into his death to be carried out. Police concluded Williamson was murdered during a robbery of his house, as a safe was reported missing, although Amnesty International suggested that due to Williamson's profile as a gay man and advocate of homosexual rights, he may have been a target for those with homophobic views. [9d]
- 21.16 The USSD report for 2006 reported that: "In May a court sentenced Dwight Hayden to life imprisonment for the 2004 killing of Brian Williamson, a prominent homosexual rights activist and founding member of J-FLAG." [8g] (p8, Section 5)

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Death of HIV/AIDS activist Steve Harvey

- 21.17 On 1 December 2005 Amnesty International reported on the murder of leading HIV/AIDS activist Steve Harvey, who had campaigned for the human rights of people living with, and those at a high risk of contracting HIV/AIDS since 1997. According to the police, at least four attackers broke into Harvey's home during the night of 30 December (2005). They tied up Harvey and two persons staying with him, stole a number of their possessions, abducted Harvey and drove him to a rural area where he was found with gunshot wounds in his back and head. [59d]
- 21.18 Christian Aid news also reported on the incident on 1 December 2005, stating one of the four assailants was reported to have said to Harvey and the two other persons: "We hear that you are gay". Two of the attackers denied this claim. [38]
- 21.19 The USSD report of 2006 stated that six suspects had been arrested in connection with the robbery and murder of Harvey. They were also held for the suspected robbery/murder of a heterosexual man, leading police to believe the murder of Harvey had not been a hate crime, although civil society groups maintained Harvey would not have been murdered had he been heterosexual. A trial date for the four male suspects was set for early 2007. [8g] (p8, Section 5)
- 21.20 Following the murder of Harvey, in December 2005 the *Jamaica Observer* reported that police were to appoint an independent monitor of their investigation. [36af] This was an apparent first, and police claimed they would also do so for future investigations if it was believed a gay man had been killed because his sexual preference. [36af] The move was thought to be in response to claims by gay rights activists that the police did not investigate crimes involving gay men seriously enough; as a result UNAIDS responded positively, stating it's support. (Jamaica Observer, 9 December 2005) [36af]
- 21.21 Four men and two women jointly charged with the two murders, a heterosexual man called Jamie Lue and Steve Harvey, appeared in court on 27 October 2007. The six had been in court since they were arrested and charged in January 2006. (Jamaica Gleaner, 28 October 2006) [34c]

- 21.22 On 11 May 2007 *The Jamaica Gleaner* reported that the two women charged with the joint murders were teenage girls who were granted bail on 10 May. They were to return to court on 4 July to be tried along with three men for the murder of Harvey. [34ck]

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LESBIANS

- 21.23 Gay women in Jamaica are at increased risk of discrimination and do not disclose their sexuality to people they do not know. They are not openly affectionate in public. Many lesbians reported being beaten and have endured threatened and actual sexual violence “to be taught a lesson”. (AI report *Sexual violence against women and girls in Jamaica*, 22 June 2006) [9b] (1b. The double bind – being a woman and gay)
- 21.24 In a letter to the Minister of National Security, Dr Peter Phillips, Human Rights Watch (HRW) expressed concern over the double murder of Candice Williams and Phoebe Myrie on 29 June 2006, and the allegation that the women were lesbians. Police named the estranged partner of Candice Williams as the prime suspect for the murders, saying the apparent sexual orientation and relationship between the women was the likely motive for the crime. However, despite being encouraged by the increasing willingness of authorities to work with the LGBT community, the apparent lack of any further investigation or questioning on the murder has led advocates to express concerns to HRW about the level of police commitment to identifying and prosecuting the murderer. (HRW, Letter to Jamaican Minister of National Security, 27 July 2006) [59e]

TRANSSEXUALS

- 21.25 The *Jamaica Observer* reports in April 2007 on the attack of a cross-dresser by a mob in Falmouth, Trelawny – “The news of the man’s presence in the community spread rapidly and... scores of angry residents converged on the scene and began to rain blows all over the cross-dresser’s body with sticks, stones and whatever they could find.” [36bc] The same source also reports in July 2007 “This country is not yet ready for transvestism in public, and bear in mind the kind of antipathies which have existed are now open hostilities.” [36bd]

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DISABILITY

22.01 As reported in the USSD report for 2006:

“There were no laws prohibiting discrimination against persons with disabilities, nor any laws mandating accessibility for persons with disabilities, and such persons encountered discrimination in employment and denial of access to schools. Health care and other state services were reported to be universally available. Several government agencies and NGOs provided services and employment to various groups of persons with disabilities, but there was no government agency specifically charged with assisting persons with disabilities.” [8g] (p8, Section 5)

22.02 On 12 December 2006 the Jamaica Information Service reported on an awards function held in port Maria by the Jamaica Council for Persons with Disabilities as part of Disabilities Awareness Week, which ran from 3-9 December 2006. [24aw]

22.03 In February 2007 the government embarked on a “Friendly City Project” to make public facilities more accessible to disabled persons by installing ramps, grab rails, lighting to alert deaf persons to an emergency, Braille inscriptions in lifts and disabled bathroom facilities. [24ax] On 19 May 2007 the same source reported that a ramp was put up at the 3D’s Project office in Morant Bay to provide wheelchair access. [24az]

22.04 The Ministry of Education and Youth announced it was to take steps to address the needs of persons with special needs, particularly those with intellectual, learning and behavioural disorders. It plans to establish student assessment centres for psychological assessment services offered to students with disabilities. (Jamaica Information Service, 26 March 2007) [24ay]

22.05 A Special Education Computer Laboratory was opened on 17 May 2007 by the Ministry of Education and Youth with the Caribbean Council for the Blind. The facility provided members of the blind and visually impaired community with modern technology to assist them with their education. [24ba]

(See also [Education](#))

22.06 Approximately 150 disabled persons participated in the first of three talks on the National Disability Act at St James Parish Hall, Montego Bay, covering topics such as the purpose, content and structure of the Act. An article by the Jamaica Information Service, published 22 July 2007, stated the purpose was to educate persons on: “the purpose, content and structure of the Act; interpretation, implications and insight into legal terminologies; employment, accessibility, health care, education, and enforcement.” [24bb]

22.07 A scholarship fund for disabled students was set up in August 2007 by the Margaret Moody Trust Fund, for the pursuit of first degrees or diplomas. (Jamaica Information Service, 2 August 2007) [24bc]

22.08 The following link provides a list of special schools and institutions for disabled children in Jamaica:
<http://www.moeyc.gov.jm/divisions/ed/specialeducation/schools.htm> [70]

WOMEN

LEGAL RIGHTS

- 23.01 The International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Jamaica in 1981. The Convention:
- Affirms women's rights to full participation in the political and public life of the nation and guarantees women the rights to vote, to hold public office and to exercise public functions.
 - Affirms women's right to non-discrimination in education, employment and economic and social activities.
 - Asserts the full equality of women in civil and business matters.
 - Asserts the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property. [31b]
- 23.02 Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports to the United Nations Division for the Advancement of Women, at least every four years, on measures they have taken to comply with their treaty obligations. [72] The reports are then considered by the UN CEDAW Committee, which writes up concluding comments on the implementation of the Convention. The last country report for Jamaica was for 2006, and states their measures adopted to implement the convention. For the full report see <http://www.un.org/womenwatch/daw/cedaw/cedaw36/Responses%20Jamaica.pdf>. [72]
- 23.03 A report by AWOJA, Jamaica and CEDAW: The NGO Perspective, alternative country report, accessed 29 October 2007, looked at the workings of the Convention from the viewpoints of NGOs in Jamaica and aimed to identify problems and issues of women and gender in ways which leads to manageable solutions. The report states: "A critical issue raised by the CEDAW Committee (February 2006), in their response to Jamaica's latest periodic report, was the fact that the Jamaica Constitution does not prohibit discrimination on the grounds of sex. Chapter 3, Section 13 of the current Constitution states that the rights and freedoms of individuals are guaranteed to every individual, whatever *his* race, place of origin, political opinions, colour, creed or sex." [75]

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WOMEN'S RIGHTS GROUPS

- 23.04 "There was an active community of women's rights groups, including Women's Media Watch, the Women's Political Caucus, the St Peter Claver Women's Housing Cooperative, the Women's Construction Collective, the Sistren Theatre Collective, Woman Inc., and the Centre for Gender and Development Studies at the University of the West Indies. Among the major concerns of these groups were the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women." [8g] (p7, Section 5)

- 23.05 A report by Amnesty International, "Political will needed to end violence against women and girls" stated that women's rights groups pushed authorities for the implementation of a national action plan to fight discrimination and sexual violence against women and girls. [91] (AI, 22 June 2006)
- 23.06 Women's Media Watch (WMW) reported in their 2005 Annual Report on their various programmes including training and advocacy to promote gender-aware media, women's rights and action on gender based violence; youth training on gender, sexual harassment and gender violence; sensitisation on gender, women's rights and sexual harassment for teachers, community and church leaders; and forging partnerships with men to address gender-based violence. [71a]
- 23.07 The report noted the outcomes of WMW's work in 2005, including contributing to gendered analysis on sexual violence against women; advocacy for the inclusion of gender equality and to address legislative reform by both informed male and female voices; collaboration between various media organisations to strengthen the movement towards mainstreaming gender in media practices; increased requests for workshops, presentations and WMW participation in radio and TV discussions; and increased recognition of WMW's work in society and the national media. [71a] (p11)
- 23.08 The WMW November 2006 newsletter reported on various community workshops held and debated issues such as strip clubs and pornography. [71b]
- 23.09 Amnesty International's report "Sexual violence against women and girls in Jamaica", dated 22 June 2006 stated that Jamaica's women's rights groups had noted the government tended to focus on "male marginalisation", i.e. the under-representation of men in tertiary school, whilst failing to address areas where women remained marginalised, such as employment and politics. [9b]
- 23.10 The Association of Women's Organisations in Jamaica (AWOJA) bought together around 30 members groups and 30 individual groups. [74] (p9)

(See also [Political rights](#))

POLITICAL RIGHTS

- 23.11 Amnesty International reported that: "Women remain significantly under-represented... [in] employment and politics. In 2005, for example, women made up only 7 per cent of mayors, only 17.6 per cent of cabinet ministers, and only 11.7 per cent of members of parliament – that is only seven of the 60 MPs. Despite the proportional lack of representation of women in politics, on 30 March 2006 Portia Simpson Miller, was sworn in as Prime Minister after being elected President by the ruling party. She told a rally for International Women's Day 2006, 'As your leader and Prime Minister I want you to understand that I am going to be demanding justice and gender justice too'." (AI Report, Sexual violence against women and girls in Jamaica, 22 June 2006) [9b] The USSD report for 2006 also states there were seven women in the 60-seat House of Representatives, and five women in the 21-seat Senate. Including the prime minister, three of the 14 cabinet members were women. (USSD 2006) [8g] (p5, Section 2d)

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EMPLOYMENT AND EDUCATION

23.12 The Bureau of Women's Affairs was responsible for catalysing government efforts in addressing women's problems faced by women, such as unemployment, domestic violence, rape and sexual harassment. The Bureau also aimed to help women achieve their full potential in Jamaica's social, cultural and economic arenas. (Jamaica Information Service, Bureau of Women's Affairs) [24bd]

23.13 The USSD report for 2006 stated that:

"Although the law accords women full legal equality including equal pay for equal work, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. The Bureau of Women's Affairs, reporting to the Minister of Development, oversaw programs to protect the legal rights of women. These programs had limited effect but raised the awareness of problems affecting women." [8g] (p6, Section 5)

23.14 Al's report, Sexual violence against women and girls in Jamaica, dated 22 June 2006, stated:

"Universities have a high percentage of women enrolled – they made up 73 per cent of the higher education student body in 1997. In Jamaica this means that despite a high number of female graduates, women hold only 10 per cent of senior positions in the public and private sectors. This means that 'women's higher levels of educational achievement have not translated in the short run into commensurate levels of income, responsibility or status in the economy or broadly in that society'." [9b] (1c, Women in power)

ABORTION

23.15 The United Nations Abortion Profile for Jamaica, published November 2005, gives the grounds on which women are permitted to have an abortion. A woman is allowed to have an abortion in order to preserve her mental or physical health, or if it would prove lifesaving, although spousal consent is required in all these cases. Abortions on the grounds of rape, incest or foetal impairment are denied, as are those which are economically or socially motivated. Abortions on the grounds of mental health, foetal impairment and rape or incest must be approved by two specialists. The report states that abortion is illegal under the Offences Against the Person Act of 1864 and anyone who intends to procure miscarriage is subject to life imprisonment, although general criminal law principles of necessity permit abortion if performed to save the life of a pregnant woman. Doctors are generally reluctant to perform abortions as the law affords them no protection, and they may be liable for persecution. [69] There were no known clinics that provided legal termination services for women. [9b] (p3, Reproductive health – unintended pregnancies and unsafe abortions)

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VIOLENCE AGAINST WOMEN

- 23.16 The Independent Jamaica Council for Human Rights (1998) Limited (IJCHR) website noted that the following are criminal offences:
- To assault, injure or wound a spouse or partner.
 - To threaten and put a person in fear.
 - To rape and force a woman to have sexual relations against her will. [31b]
- 23.17 On 8 January 2006, the *Jamaica Gleaner* reported "Several women's organisations have lauded the Jamaican Government for ratifying a convention which will aim to eliminate the incidence of violence against women. Jamaica ratified the 'Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem do Para' last December [2004]." The report noted that Candis Hamilton, a consultant with the Inter-American Commission on Human Rights, said that Jamaica's ratification of the convention was significant as it will give women the opportunity to defend their rights if they have been violated. [34ak]
- 23.18 The *Jamaica Gleaner* also reported on 8 January 2006 that following Jamaica's ratification of the 'Convention of Belem do Para', "Public and private employers in Jamaica representing more than 800,000 workers and all educational institutions can be held responsible for all incidents of sexual harassment perpetrated against women." The report noted that:
- "According to Article 2b of the convention, 'Violence against women shall be understood to include physical, sexual and psychological violence that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place.'" [34al]
- 23.19 Amnesty International's report, *Sexual violence against women and girls in Jamaica*, published on 22 June 2006 reported on the occurrence of reprisal crimes of sexual violence in Jamaica, connected to perceived or actual informing the police of criminal activity, a personal or familial vendetta, or a form of political tribalism. [9b] (**Guns, gangs and rising levels of violence**)
- 23.20 An example of these reprisal crimes was reported on 22 June 2006 by Amnesty International in "Political will needed to end violence against women and girls", which stated that women faced widespread sexual violence and discrimination, especially when reporting such crimes and that only 25% of sexual violence was reported. The article reported the case of Enid Gordon, 15, who was raped by two men. The men were arrested, charged and released on bail. A week before she was to testify in court against the men, Enid was found murdered in the same place she had been previously raped. (AI, 22 June 2006) [9i]
- 23.21 Amnesty International's report, *Sexual violence against women and girls in Jamaica*, published on 22 June 2006, noted that in cases of uncorroborated sexual assault, judges are required to issue a 'warning', which states "Madam foreman and members of the jury as this is a case of rape (sexual violence) the law requires me to give you a warning in such cases. The laws says that in

these types of cases it is desirable that there should be corroboration... This warning is necessary because experience has shown that women and young girls often tell lies and for that reason the law requires independent evidence. However, if there is no corroboration and you believe that the complainant is telling the truth and bearing the warning in mind you can proceed to act on her evidence even if there is no corroboration.” [9b] (4d, The Judicial response)

(See also [Fair trial](#))

23.22 The report goes on to state that:

“Violence against women in Jamaica persists because the state is failing to tackle discrimination against women, allowing social and cultural attitudes which encourage discrimination and violence. This violates the government’s most basic treaty obligations under the UN Convention for the Elimination of Violence against Women (CEDAW), among others. Shortcomings in national legislation do not deal adequately with marital rape, incest or sexual harassment, thereby encouraging impunity and leaving women without the protection of the law.”

“Discrimination is entrenched and often exacerbated in the police and criminal justice system. Women and adolescent girls are rarely believed by the police, so have little confidence in reporting crimes against them. Evidence is often not sought effectively or professionally, and witnesses are rarely protected. In court, women’s testimony is explicitly given less weight than men’s, thereby depriving women of the right to equality before the law.” [9b] (p1, Introduction)

(See also [Women – Legal rights](#))

23.23 The same AI report noted:

“In Jamaica, entrenched discrimination against women means many individuals fail to appreciate that forced sex carried out by an acquaintance or family member is a serious crime. The rate of sexual violence against women in Jamaica is very high, and is accompanied by spiralling levels of community violence and homicide throughout the island. Sexual assault is the second-most-common cause of injury for women, after fights. Five per cent of all violent injuries seen in hospitals are caused by sexual assaults.” [9b] (Introduction – Sexual violence in Jamaica)

23.24 A report by the Panos Institute of the Caribbean, *A Situational Analysis of Rape in Jamaica*, published in March 2006 reported that sexual abuse is deeply entrenched in Jamaican culture, and is generally condoned as men being men. [74] (p4) The report connected rape with poverty and stated that rape is a crime which affected mainly poor women in Jamaica, who mainly inhabited rural areas. [74] (p4) The report also stated that these individuals were likely to live closely together and there were therefore likely to be more opportunities for rape to occur, a higher likelihood of them being exposed to unsafe places and situations, and more chance of them being coerced. [74] (p4)

23.25 The same report suggested the possible reason why men commit rape is due to the gender ideology prevalent in Jamaican society, which includes many beliefs, for example:

- Men are superior and women inferior.
- Men are to be dominant, tough, aggressive; women are to be submissive [sic].
- Women 'ask for it', girls and women are seen to 'deserve sex' because of the way they dress or act [sic]. [74] (p5)

23.26 The USSD report for 2006 noted that:

"Rape was illegal and carried a penalty of up to 25 years' imprisonment with hard labor. By early December, 635 incidents of rape were reported (not including statutory rape), a decrease of 7 percent over the same period in 2005, but NGOs stressed that the vast majority of rapes were not reported. Moreover, these statistics may be misleading because the decrease may have been due to a lack of confidence in the police. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes." [8g] (p6, Section 5)

23.27 The USSD report for 2006 stated: "There is no legislation that addressed sexual harassment, and it was a problem. There were reports of sexual harassment of women by the police, but some observers believed that women did not often report such incidents because there was no legal remedy." [8g] (p6, Section 5)

23.28 Amnesty International reports in March 2007 the examination of the Offences Against the Person Act by a Joint Select Committee. This article discusses the revision of rape; that marital rape should be criminalised and "the need to develop a gender-sensitive criminal procedure for crimes of gender-based violence". (Amnesty International, 1 March 2007) [9g]

23.29 Amnesty International's 2007 Report stated that amendments to the Offences Against the Person Act and the Incest Punishment Act had been proposed, which would make marital rape a criminal offence, increase punishments for perpetrators of sexual violence and offer greater legal protection women and children. [9k] (p2, Sexual violence against women and girls)

(See also [Domestic violence](#) and [Support for abused women](#))

23.30 An article by Amnesty International in 2007 calls to end the impunity for perpetrators of domestic violence and marital rape by making it a punishable crime under the Offences Against the Person Act. [9j]

23.31 On 15 May 2007, the *Jamaica Gleaner* reported that 708 women were raped in 2006. [34cp]

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Domestic violence

23.32 Amnesty International's report, Sexual violence against women and girls in Jamaica, published on 22 June 2006, stated that: "Almost a third of total murders were attributed to domestic violence between 1997 and 2002. Yet it is estimated that only 10 per cent of women who are battered report the abuse." [9b] (Sexual violence in the home)

- 23.33 On December 7 [2004], Parliament passed the Domestic Violence (Amendment) Act 2004. The bill provides for the widening of the categories of persons who may apply for a protection order, to include any person who resides in the respondent's household or who is in a visiting relationship with the respondent. The bill also provides for applications for protection orders to be made by a constable or a person who is given leave to apply by the Court on behalf of a spouse, or other member of the respondent's household or a person who is in a visiting relationship with the respondent, upon the written consent of that person. The bill also provides for maintenance orders to be made in conjunction with protection and occupation orders. [61] A copy of the Domestic Violence Act (1995) is annexed as source [60].
- 23.34 The USSD report for 2006 noted that: "Social and cultural traditions perpetuated violence against women, including spousal abuse. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. The law provides remedies for domestic violence, including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to approximately \$166 (J\$10,000) and six months' imprisonment. There was a general reluctance by the police to become involved in domestic issues, which led to cases not being pursued vigorously when reported. The Bureau of Women's Affairs operated crisis hot lines and shelters and managed a public education campaign to raise the profile of domestic violence." [8g] (p6, Section 5)
- 23.35 An Amnesty International report, "Impunity for sexual violence in Jamaica", updated on 16 February 2007, stated that domestic violence also includes sexual violence, and that women are not protected from rape within marriage. [9j]

(See also [Violence against women](#))

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Support for abused women

- 23.36 The Jamaica Information Service provides a mission statement from Woman Inc., stating: "[Woman's Inc.] is a voluntary, non-profit, non-governmental organisation [NGO] founded in 1984. It draws upon the creative energies of women from all walks of life that are dedicated to providing assistance to victims of rape, incest, domestic violence, domestic crisis and sexual harassment at the workplace." The report stated that the charity runs a Crisis Centre in Montego Bay, which provided a drop-in centre and 24-hour telephone service, and dispensed advice on rape, incest, domestic violence and domestic crisis. (Jamaica Information Service, November 2003) [24bc]
- 23.37 The report also stated that women seen at the Crisis Centre had their cases assessed and sent to a Crisis Shelter, set up in 1988, also run by Woman Inc. The shelter functioned as the only temporary residence for women affected by domestic abuse, incest, rape or temporary homelessness. Women could stay at the shelter for a maximum of 2 weeks, and often children and babies were involved. [24bc] Women's Inc. also participated in the Police Training Programme, aimed to raise police awareness of the needs of rape and domestic violence victims. [74] (p9)

- 23.38 On 8 January 2006 the *Jamaica Gleaner* reported that despite the government's promise under the Convention on the Elimination of all Forms of Discrimination Against Women and Violence Against Women (CEDAW) in 1988 to build further shelters in every parish, the Crisis Shelter set up by Woman's Inc. remained the only one in Jamaica. [34am] The article stated following the signing of an International Convention in December 2005, the government were duty bound to provide shelters for abused women under Article Eight of The Convention on the Prevention of Punishment and Eradication of Violence Against Women (or the Convention of Belem do Para). [34am]
- 23.39 AI also noted that as of September 2005, there was only one shelter with a 12 bed capacity on the island [9b] (**Healing the Nation: 15 recommendations**)
- 23.40 The Centre for Sexual Offences and Child Abuse (CISOCA) was set up by the Jamaica Constabulary Force in 1989. Centres have been established across the island and are located in the central police station for each parish. Staff members have received special training in dealing with survivors of sexual assault. However, the investigating officer is usually a police officer from the region in which the crime was committed, who may not have received specialist training in sexual assault investigations. The clear-up rate for sexual assaults was low. [9b] (**4b, The Centre for Sexual Offences and Child Abuse**)
- 23.41 A March 2006 report by the Panos Institute of the Caribbean stated that CISOCA operated eight centres in Jamaica with a trained police officer at every parish police station. [74] (p7) The centres worked with networks of doctors and nurses to provide care to rape victims and collect evidence for prosecution of the crime. [74] (p7)
- 23.42 The report also mentioned other organisations that work with individuals affected by gender violence. The Association of Women's Organisations in Jamaica (AWOJA) brought together around 30 members groups and 30 individual groups. [74] (p9)

WOMEN'S HEALTH

- 23.43 Jamaica Hospital has a women's health facility described by the hospital's website, accessed 29 October 2007, as a "modern, fully-equipped, state-of-the-art facility with 15 exam rooms and 3 procedure rooms to meet the specific needs of women in the community." Health specialists at the centre include obstetricians, gynaecologists, surgeons, technicians, radiologists, physician assistants, nurse practitioners, certified nurse midwives, practical nurses, social workers, nutritionists, health educators, and genetic counselors available on a daily basis for consultation. The centre also offers the following services to women:
- Breast Cancer Screening,
 - Prevention, and Treatment;
 - Colposcopy
 - Contraception
 - Gynaecology
 - Foetal Monitoring
 - HIV Counselling
 - Health Education

- Infertility Clinic
- Mammography
- Normal and High Risk
- Pregnancy and Genetics
- Pre-conception Counselling
- Nutrition Education
- Obstetrical and Gynaecological Ultrasound
- Social Services
- Urogynecology. [73]

(See also [Abortion](#))

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CHILDREN

GENERAL INFORMATION

- 24.01 The age requirement for voting is 18 years. The age of consent for marriage is also 18 years old, or 16 years with permission from parents. (Interpol, National laws – Jamaica, accessed 9 August 2006) [3] The Child Care and Protection Act defines a child as anyone up to the age of 18 years. The age of sexual consent is 16 years. (Jamaica Information Service, 23 November 2004) [24e]

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EDUCATION

- 24.02 The USSD report for 2006 noted:

“The Government was committed to improving children’s welfare. The Ministry of Education, Youth, and Culture was responsible for implementation of the government’s programs for children. In January the government established an Office of the Children’s Advocate, mandated under the 2004 Child Care and Protection Act. The position has broad responsibilities for reviewing laws, policies, practices, and government services affecting children; providing legal services and investigating complaints against government; and publishing reports and issuing best practice guidelines regarding any matter concerning the rights or best interests of children. At year’s end, however, staffing shortages and lack of infrastructure limited the office’s ability to address all the reports and calls it received. Public primary education was free, universal, and compulsory for students between the ages of 6 and 11, and the Ministry of Education reported that 99 percent of children in that age group were enrolled in school. However, economic circumstances obliged thousands of children to stay home to help with housework and avoid school fees. As a result, attendance rates at primary schools averaged 78 percent, although some rural areas reported attendance as low as 50 percent. More than 70 percent of children between the ages of 12 and 16 had access to secondary school, and the UN Children’s Fund reported that most children completed secondary education.” [8g] (p7, Section 5)

- 24.03 The *Jamaica Gleaner*, dated 29 January 2006, noted that following a sharp increase in violence in Jamaica’s schools, the Government is considering installing surveillance cameras. The report noted that following the stabbing of a student, classes were suspended at the Cedric Titus High School. Also, at the Eltham Basic School in St. Catherine a daylight robbery traumatised staff, and two teachers received death threats at the Boscobel Primary School in St. Mary. [34an]
- 24.04 On 14 November 2006 the Jamaica Information Service reported on the government’s plans to introduce a national literacy strategy to reduce and eliminate the number of students leaving secondary school without the ability to read and write. [24ar]
- 24.05 On 10 August 2007 the Jamaica Information Service reported that for the first time in Jamaica’s history, all children between the ages of three and five were enrolled in an educational institution. In addition to this, the University of The

West Indies, Mona, reported it's highest level of enrolment in 2006. The United Nations Development Programme (UNDP) also reported improved literacy levels among 15 to 24 year olds. [24as]

- 24.06 On 1 October 2007 the Jamaica Information Service reported that: "Six child development officers from the Early Stimulation Programme (ESP) have been deployed to the parish of Portland to provide specialized assistance to a number of children with developmental disabilities." The article notes that children with various types of developmental disabilities, for example, cerebral palsy, autism, mental retardation may have had difficulties finding assistance or therapy; the introduction of the ESP in Portland means they no longer have to travel to Kingston to do so, benefiting around 100 children in the area. [24av]
- 24.07 A website on special education in Jamaica, accessed 25 October 2007, gives details of education for disabled children in Jamaica, including Government-owned and private-based facilities. Over 3,400 students were enrolled in these schools with 300 teachers, which provided a teacher pupil ratio from 1:5 to 1:16, depending on the type and severity of learning problems. [70]
- 24.08 The following link provides a list of special schools and institutions for disabled children in Jamaica:
<http://www.moeyc.gov.jm/divisions/ed/specialeducation/schools.htm> [70]
- (See also [Disability](#))
- 24.09 On 5 October 2007 the Jamaica Information Service reported that the Secondary Schools Enhancement Programme (SSEP) has so far given \$95 million in grants to 38 upgraded schools for the 2007/2008 school year. The funds went towards equipment and materials to help improved the school environment and enhance teaching and learning processes. [24at]

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CHILD CARE

- 24.10 The *Jamaica Gleaner*, dated 27 February 2005, reported on the Child Care and Protection Act (CCPA), which reaffirmed children's rights and aided the prosecution of parents who deliberately neglect their children. The act made the reporting of neglect or abuse of a child mandatory and stated every person responsible for a child must provide adequate food, clothing, lodging and healthcare. [34bb] Two videos were released in May 2007 to help increase awareness of the Child Care and Protection Act of 2004. [24ax]
- 24.11 There are a number of both government and privately owned children homes and places of safety across Jamaica, which are managed and supervised by the Child Development Agency (CDA). The CDA listed 11 Places of Safety and 46 Children Homes. (CDA, Residential Child Care Facilities, accessed 22 August 2006) [58] In 2005, there were 2,572 children living in residential institutions. In addition, 274 children were living in correctional institutions. (UNICEF, March 2006) [10a]
- 24.12 The Jamaicans for Justice (JFJ) Report on The Situation of Children in The Care of The Jamaican State, dated October 2006, and presented to the Inter-

American Commission on Human Rights (IAHCR), reported on JFJ's continuing concern for the situation facing children in the care of children's homes or places of safety, or in foster care. The JFJ report stated that "Our findings have shown inefficiency and inadequacy of the monitoring system that ultimately leads to a lack of follow-up or corrective action for issues being faced within the homes." [50d]

- 24.13 As well as highlighting specific cases of inadequacy of the monitoring process in a number of children's homes, the above report documented on the absence of a comprehensive assessment of every child in care, the lack of effort to separate and address the needs of individual children, and the absence of regulations to enforce standards for the conditions and operations of children's homes, which could ultimately leave children in care at risk of abuse. [50d]
- 24.14 The Jamaica Information Service reported on Family Courts in an undated article, established under the Judicature (Family Court) Act of 1975. The purpose of these is to prevent the breakdown of families, and to protect the welfare of the children if this is not possible. [24au]
- 24.15 The *Jamaica Gleaner* reported that as of January 2007 the Children's Registry, responsible for receiving information on abandoned, neglected, physically or sexually abused children, had not yet established. Persons suspecting such abuse were required to inform the Children's registry, and the penalty for not reporting such information was a maximum fine of \$500,000, six months imprisonment, or both. [34ch] There have been no further reports of the Registry's establishment since this article was published.
- 24.16 On 4 April 2007 Jamaica Information Service reported on the allocation of \$10 million to The Policy Advocacy Special Care and Protection project, designed for "the promotion of policy and legal reform to address and enforce the rights of all children and to also strengthen the policy, standards and capacity of implementing agencies and caregivers." The project, funded by UNICEF under the Ministry of Health, drew up guidelines, training and support for caregivers on how to respond to children in cases of disaster and emergency. In 2006, the article lists achievements of the project, including "sensitizing the police, the judiciary and probation officers islandwide on the protection of children as it relates to the Childcare and Protection Act; developing training material for parents on the principles of the Rights of the Child; holding a national consultation on juvenile justice; organizing a National Children's Parliament; and, researching and producing Jamaica's second Report of the United Nation's Committee on the Rights of the Child in Geneva, Switzerland." [24aw]
- 24.17 On 10 July 2007 The Child Care and Protection Children's Home Regulations and the Child Care and Protection Advisory Council Regulations, complementary to the CCPA, were approved in the House of Representatives. The regulations address the child's right to be fed, clothes and health care; and call for better monitoring and assessment of children's homes, by keeping logs and paperwork; and require all children's homes to be licensed. [24ay]

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ADOPTION

- 24.18 In a guide to international adoption, the US Department of State Bureau of Consular Affairs noted on Jamaica that:

“The government office responsible for adoptions in Jamaica is the Jamaican Adoption Board. Single individuals or married couples may adopt children in Jamaica. Those persons not related to the potential adopted child must be age 25 years or older. If the child is a brother, sister, niece or nephew of the prospective adoptive parent(s), the age limit is 18. The Adoption Board does not have any specified medical ineligibilities, but evaluates each potential adoption on a case-by-case basis. A medical condition of the adoptive parents may factor into this evaluation.” [8e]

- 24.19 The guide noted that “There are two types of adoption in Jamaica: Adoption Orders and Adoption Licenses. Adoption Orders provide for the orphan to be adopted in Jamaica. Adoption Licenses allow for a Jamaican citizen orphan to be taken to a ‘scheduled country’ and adopted there.” [8e] The Department of Health’s guide to adoption in Jamaica noted that the United States, Sweden, Denmark and all Commonwealth countries are ‘scheduled countries’. [30]

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HEALTH ISSUES

- 24.20 UNICEF’s Background on Jamaica, accessed 10 August 2006, noted:

“Jamaica has made impressive strides to provide most of its children with access to health, nutrition, education and social services. . . The incidence of poverty is declining. However, almost one of every two Jamaicans who live in poverty is a child, while only 37 per cent of Jamaicans are children. Although children are given a high priority in the development of national policies and plans, resource allocations are not commensurate with objectives.” [10b]

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VIOLENCE AGAINST CHILDREN

- 24.21 There were 367 cases of rape and 346 cases of carnal abuse reported in 2005. (UNICEF, *Situation Analysis on Excluded Children in Jamaica*, March 2006) [10a] (Children caught in violence) In 2004, 70 per cent of all reported sexual assaults were recorded against girls, rather than women. (AI, *Sexual violence against women and girls*, 22 June 2006) [9b] (Girls)
- 24.22 Hospital reports for 2005 showed that at least 1,241 children, aged under one year to nine, were treated for physical injury caused by blunt instruments in accident and emergency units. The Ministry of Health stated that approximately 60 per cent of these injuries were perpetrated by adults, most of them carers. (Jamaica Gleaner, 13 August 2006) [34ag]
- 24.23 The USSD report for 2006 noted that:

“There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, particularly in inner cities. NGOs

reported that inner city gang leaders and sometimes even fathers initiated sex with young girls as a 'right'. As of early December [2006], there were 397 cases of carnal abuse reported, a 31 percent increase over the same period in 2005. However, this may have been in part due to increased reporting and not necessarily an increase in the number of crimes. The government expressed concern about child abuse and acknowledged that incidents were underreported. The Child Development Agency (CDA) held training sessions to familiarize police officers with the rights of children and to prepare them to enforce the Child Care and Protection Act." [8g] (p7, Section 5)

- 24.24 CAMP Bustamante (Child Abuse Mitigation Project at the Bustamante Hospital for Children) was set up in 2004 with funds from UNICEF (UNICEF 2005) [10c] as the "first hospital-based response for violence prevention" which provides support and treatment for victims of child abuse and violence. Cases are referred to the centre either by a doctor or nurse; or by the Jamaica Injury Surveillance Survey, an accident and emergency database system. A social worker may then contact the abused child's home or school to assess the protective and risk factors and ascertain the level of support needed. High risk cases can then be referred to the Child Development Agency (CDA) who are able to remove the child from the environment where they are at risk and give them the appropriate treatment. (Jamaica Information Service, 22 August 2006) [24q]
- 24.25 In June 2007, the Prime Minister Portia Simpson-Miller, called for the introduction of heavy penalties for those found abusing children at the signing of the new Government of Jamaica/UNICEF Country Programme Action Plan at Jamaica House, which aims to address the main threats to childhood, which are violence, HIV/AIDS and natural disasters, and promote opportunities for child development. (UNICEF) [10e]

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TRAFFICKING

- 25.01 The USSD report for 2006 reports on The Child Care and Protection Act of 2004 which prohibits the sale or trafficking of minors and provides that violators receive the maximum penalty under the law. The law subjected convicted traffickers to a fine or imprisonment with hard labour for a term not exceeding 10 years, or both. It also provides that no person under the age of 18 years may be employed in a night club. Police raided some night clubs and charged six persons with trafficking during the year. Authorities rescued nine trafficking victims during the year, six over age 18 and three between the ages of 13 and 17. [8g] (p7, Section 5)
- 25.02 Jamaica remained on a Tier Two Watch list in the 2007 USSD Trafficking in Persons Report as it was in 2006, an improvement from its 2005 Tier Three status, due to the government's efforts to address trafficking. The 2007 USSD report stated: "Jamaica is principally a source country for women and children trafficked within the country for the purposes of commercial sexual exploitation and forced labor. The majority of victims are Jamaican women and girls, and increasingly boys, who are trafficked from rural to urban and tourist areas for sexual exploitation. Some children are subjected to conditions of forced labor as domestic servants. ... In November 2006, the government launched a comprehensive study of human trafficking, focusing on vulnerable persons and communities, to gain a better understanding of the problem and to set up a system for collection of trafficking data. The government conducted widespread anti-trafficking training of police, prosecutors, and immigration and consular officials during the reporting period [April 2006 – March 2007]. ... [and] initiated six trafficking prosecutions under older laws; these prosecutions are ongoing. Police also conducted high-profile raids on hotels and 37 suspected sites of sex trafficking; nine trafficking victims were found. ... No reports of public officials' complicity in human trafficking were received in 2006." (USSD Trafficking in Persons Report 2007, Jamaica) [8h]
- 25.03 The report stated that during this reporting period government efforts to protect trafficking victims remained limited. Although they provided shelters for child trafficking victims, there were no such facilities for adults, although medical, psychological and legal services were offered and occasionally temporary accommodation in hotels. (USSD Trafficking in Persons Report 2007, Jamaica) [8h]
- 25.04 The Trafficking of Persons Act of 2007 was passed in February 2007, becoming effective on 1 March 2007. [8h] The Act prohibited all forms of trafficking in persons and related offences such as withholding a victim's passport or receiving financial benefits from trafficking crimes, with up to 10 years' imprisonment for anyone convicted of such offences. [8h] Victims were not penalised for immigration violations and were encouraged to assist the authorities in the investigation and prosecution of their traffickers. [8h] Temporary residency and other legal alternatives to deportation or removal were provided for foreign trafficking victims. [8h]
- 25.05 On 24 May 2007 the Jamaica Information Service reported on a police drive to combat trafficking by training police to understand the crime and in investigative methods, for example to spot false advertisements in the media. [24ap]

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MEDICAL ISSUES

- 26.01 The Jamaica Information Service, Ministry of Health, accessed 19 January 2006, noted:

“Over the past three years, the Ministry has undertaken a comprehensive rationalisation/re-organisation of the health service. The management and delivery of health services have been de-centralised to four statutory regional Health Authorities covering the island. Under the new status, the Ministry’s two largest programmes: Primary, and Secondary and Tertiary Health Care have been integrated into a new programme – Health Service Delivery. It is expected that regional management will improve the quality of health care with more efficient use of resources and timely decision-making.” [24d]

- 26.02 The Jamaica Information Service reports that as of 28 May 2007, “children under the age of 18 years will receive free care at all government hospitals and health facilities, except the University Hospital of the West Indies.” [24ag]

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OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 26.03 Bustamante Hospital for Children was only specialist paediatric facility in the English-speaking Caribbean, providing “diagnostic, preventative, curative and rehabilitative services are offered in pediatric medical, surgical specialties and subspecialties.” The hospital also offered an Intensive Care Unit for care to critically ill patients and a twenty-four hour Accident and Emergency Department. [14] (p2-3)
- 26.04 The University Hospital of the West Indies (UHWI) opened its newly refurbished \$4-million obstetrics and gynaecology ward on 8 March 2004. (Jamaica Observer, 9 March 2004) [36o]
- 26.05 Two surgical machines were donated to Port Antonio Hospital in October 2004; an electro surgical machine designed for the operating theatre used for containing blood loss during surgery and a diathermy X-ray processing machine to speed up X-ray scans, normally done manually. (Jamaica Gleaner, 19 October 2004) [34bg]
- 26.06 In February 2005 Spanish Town Hospital’s Neonatal Unit received three incubators, medicines, gloves and other surgical items to aid care for premature babies. (Jamaica Gleaner, 3 February 2005) [34be] However, on 21 October 2007 *The Jamaica Gleaner* reported that the hospital’s accident and emergency unit had still not been completed, over a year after work had begun on it. [34co]
- 26.07 Princess Margaret Hospital, St Thomas, received a tonometer, used in the diagnosis of glaucoma, in June 2005. (Jamaica Observer, 7 June 2005) [36ae]

- 26.08 The *Jamaica Gleaner* reported in April 2007 on the construction of a \$2.7 billion private hospital, beginning in July, to feature state of the art medical equipment and IT systems. [34cc]
- 26.09 The Ministry of Health reported on 21 June 2007 on the improvement of services in Bustamante children's hospital. Partnership with the Straight Spine Foundation of the Caribbean enabled the introduction of pedicle screw instrumentation in scoliosis surgery in the orthopaedic department. Ten such surgeries were performed in 2006 using the technology. Arthroscopy, a thechnology to correct complex angular deformity in lower limbs was also introduced at the hospital. Surgeons performed tendon transfer surgery on cerebral palsy patents, the cardiac surgery was improved and eye care capacity was increased. [40d]
- 26.10 The *Jamaica Observer* reported in August 2007 on the installation of a \$70 million endoscopy unit, planned for January 2008, in the National Chest Hospital in Kingston. The machine is to be the only one in Jamaica and can be used to look into the oesophagus and stomach, for example, for ulcers; and the respiratory tract. [36f]
- 26.11 The Ministry of Health reported on a new Computerised Tomography (CT) scanner and digital fluoroscopy machine acquired by the Cornwall Regional Hospital, St James in August 2007, enabling radiology images of the body to be produced to aid the detection and diagnosis of a broad range of illnesses and injuries. The machines are part of a US \$10 million project to enhance radiographic services in the public health sector. [40c]
- 26.12 There are also reports of other hospital's facilities being poorly maintained or understaffed. [34cl][34cm][34cn][34co] In September 2007 the *Jamaica Gleaner* reported on conditions at Victoria Jubilee Hospital (VJH), Kingston, stating the operation theatres were contaminated with cockroaches, bird droppings and flies; and that air condition units had malfunctioned. The Central Sterility Supply Department, which sterilises equipment for the VJH and the Kingston Public Hospital (KPH), had also broken down. There were reports this had caused a woman to lose her baby, as a Caesarean section was put off three times due to a malfunctioning autoclave. [34cm] The *Jamaica Gleaner* further reported on 27 October 2006 that the hospital had been investigated following the incident and a serious procedural breach was identified. [34cn] The *Jamaica Gleaner* reported on shortages in doctors at the May Pen Hospital, Clarendon in February 2007. Operations had deteriorated due to staff shortages, meaning only emergency patients could be accepted. [34cl]

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THE NATIONAL HEALTH INSURANCE PROGRAMME (NHIP)

- 26.13 The key features of the National Health Insurance Programme (NHIP) are:
- Universal Coverage – The National Health Insurance Programme will provide guaranteed access to the package of health services for all residents regardless of age or health condition;

- Service Package – The NHIP will cover a service benefit package – the Standard Benefit Package – consisting of inpatient care, laboratory and diagnostic tests and pharmaceuticals. Other services will be included in later years if deemed necessary and affordable;
- Mandatory Health Insurance – The NHIP will be mandatory, that is, everyone will be required to have (purchase) health insurance for the Standard Benefit Package. The government will be responsible for insuring the medically indigent; and uninsured persons will be required to meet the full cost of health care;
- Choice of Insurer – Health insurance for the Standard Benefit Package can be bought either from a public health insurance agency (to be established) or from competing health insurance carriers;
- Choice of Service Provider – Services in the Package will be available in public and private health facilities;
- Catastrophic Care – A Catastrophic Care Fund for very costly and sophisticated services will be established with resources coming from health insurance premiums and other sources;
- Management – The NHIP will be administered by a broadbased independent and non-profit body, the Health Insurance Commission, which will be subjected to clearly defined performance and accountability requirements. [46] (p1-2)

26.14 An undated National Health Insurance Plan Green Paper (NHIP Green paper) noted that:

“The National Health Insurance Plan (NHIP) is a contributory health financing plan aimed at covering all residents of Jamaica for a stipulated package of medically necessary services. It is designed to assist individuals and families in meeting the high costs of health care without suffering financial distress and to provide dedicated resources for enhancing the availability and quality of health services. It is a critical component of the overall Health Reform Programme currently being implemented to improve the delivery, management and financing of health services.” [46] (p1-2)

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HIV/AIDS

- 26.15 Nine thousand, six hundred and eighty-one AIDS cases were reported between 1982 and June 2005. (UNGASS report, Jamaica; published May 2006) [55b] (p24) Thirteen cases of AIDS in children under 10 years old were reported between January and March 2005, compared to 18 in 2004; this decrease was attributed to improved care and treatment for HIV-infected children and decrease in mother-to-child transmission of HIV. (Jamaica Observer, 3 December 2005) [36r]
- 26.16 The National AIDS Committee (NAC) was established in 1988 by the Ministry of Health to co-ordinate the national multi-sectoral response to the AIDS epidemic in Jamaica. [45g] It has strong links to the National HIV/STI Control Programme (NCHP), representatives from both private and public sector organisations, NGOs and community based organisations (CBOs). [45g] The four main functions of the NAC are “to advise the Minister of Health in Jamaica on policy issues relevant to HIV/AIDS & STIs; to involve all sectors of the

Jamaican Society in efforts to prevent and control HIV/AIDS & STIs; to act as a central body where ideas, experiences and questions about HIV/AIDS & STIs in Jamaica can be shared, discussed and addressed; to provide a sustainable means of supporting the initiatives of the NAC and member organizations by eliciting funds from fundraising activities, public and private sector participation.” [45g]

- 26.17 The *Jamaica Gleaner* reported on 15 February 2006 that “Health Minister John Junor says if Jamaica is to achieve Universal Access in HIV/AIDS treatment, care and support by 2010, all sexually-active persons will have to be tested to determine their status. According to Mr. Junor, an estimated 20,000 people are living with HIV/AIDS, and of that total, approximately 15,000 are not aware that they are living with the disease.” [34s]
- 26.18 A 2006 AIDS epidemic update by UNAIDS and the World Health Organisation reported around 25,000 adults and children were infected with HIV, estimated to make up 1.5 % of the population. Of these 6,900 were women, with a higher proportion of Jamaica’s female sex workers found to be infected, 9 % of whom tested positive in one study. [55c]
- 26.19 The UNAIDS Country Profile for Jamaica, published 17 March 2007, noted the most urbanised parishes, such as Kingston, St Andrews and St James all had the highest cumulative number of AIDS cases. The report states in 2006 UNAIDS carried out objectives such as the installation of Country Response Information System software, used for data collection and reporting; drafting a national HIV/STI Programme Monitoring and Evaluation Framework and Operational plan; strengthening prevention programmes through HIV-related educational campaigns and programmes; and supporting HIV policy development, legal reform and antidiscrimination legislation. [55a]
- 26.20 The Jamaica HIV/AIDS Prevention and Control Program funded by the World Bank as part of a multi-country prevention scheme, originally set up in 2001, (World Bank) [66] was set to receive \$250 million in 2007 to help “curb the spread of HIV/AIDS, improve the treatment, care and support for people living with HIV/AIDS, and strengthen the nation’s capacity to respond to the epidemic.” Targets set by the project include the distribution of two million condoms and providing equipment to improve the diagnosis capacity by the Jamaican health system. The project has already achieved some of its aims, for example providing relevant training to 200 health care workers on HIV management and prevention. (Jamaica Information Service, 5 April 2007) [24r]

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Discrimination against people living with HIV/AIDS

- 26.21 The Jamaican government has made some efforts to combat discrimination against people living with HIV/AIDS (PLWHA), with initiatives from the Ministry of Education, and particularly the Ministry of Health, which has incorporated training initiatives for its staff. There are plans for the development of a national policy in 2006 to combat discrimination. (AI Report, 22 June 2006) [9b] (p3)

⁷²This Country of Origin Information Report contains the most up-to-date publicly available information as at 8 November 2007. Older source material has been included where it contains relevant information not available in more recent documents.

- 26.22 Discrimination is faced by HIV-positive women. They are often regarded as either promiscuous or as sex workers, adding to difficulties in accessing health care and other appropriate services. Women whose HIV status has been disclosed have sometimes been thrown out of their communities, their houses have been burned down, and they have been disowned by their families and partners. They have been also been ostracised, made homeless and lost employment. (AI Report, *Sexual violence against women and girls in Jamaica*, 22 June 2006) [9b] (p3)
- 26.23 The USSD report for 2006 noted that “No laws protected persons living with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. The ILO worked with the Ministry of Labor on a program to reduce the stigma of HIV/AIDS in the workplace and to assist employers in designing policies for workers with HIV/AIDS. Although health care facilities were prepared to handle patients with HIV/AIDS, health care workers often neglected such patients.” [8g] (p8, Section 5)
- 26.24 In an article dated 18 September 2006, the Jamaica Information Service reported on the launch of an anti-stigma campaign for people living with HIV/AIDS, by the Ministry of Health. The campaign is aimed at reducing the discrimination that is associated with the disease. The campaign will use television and radio adverts, as well as billboards and posters. Two HIV-positive Jamaicans will openly express their experiences of living with the disease and how they have come to terms with living with HIV. [24f]
- 26.25 On 1 March 2007 the Jamaica Information Service reported on another anti-stigma campaign launched by the Jamaica Red Cross’ campaign. The islandwide campaign, due to last until October 2007, received funding from the United States Ambassadors Fund to provide education sessions about HIV/AIDS. [24ae]
- 26.26 UNICEF reported on a campaign to help raise awareness on safe sex and HIV/AIDS during the Cricket World Cup of 2007, where Jamaican children were visited by well-known personalities and cricketers. The CEO of the International Cricket Council (ICC) said on the partnership between the ICC, UNAIDS and UNICEF – “Hopefully these visits can help alleviate discrimination and stigma [on HIV/AIDS].” [10d] (p2)
- 26.27 On 30 August 2007 United States Agency for International Development (USAID) reported on the launch of the Jamaica Business Council on HIV/AIDS (JaBCHA), in association with the Jamaican private sector and US company Merck Sharp and Dohme (MSD) to combat HIV/AIDS at a corporate level. The program was designed to give HIV positive individuals the chance to continue contributing to the business sector and Jamaica’s development. The program was launched following a survey commissioned by USAID and MSD revealed that HIV positive employees may conceal their status from their employers for fear of retribution or termination of their jobs, and showed workplaces would benefit from HIV-specific policies and education programs. [68]

(See also [Death of HIV/AIDS activist Steve Harvey](#))

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Anti-Retroviral (ARV) treatment

- 26.28 There are 2,200 people registered under the Ministry of Health's subsidised treatment programme in 18 public health institutions, and 500 persons are being treated in the private sector. Those accessing treatment through public health services are required to pay \$1,000 Jamaican Dollars (JMD) per month for a triple combination of drugs, while at private health facilities the cost could range between \$5,000 and \$25,000 JMD. However, provisions are made for those who cannot afford to pay for treatment. (Jamaica Gleaner, 23 July 2006) [34ad]
- 26.29 An Immunology Centre at the National Public Health Laboratory in Kingston opened in November 2005 offering Viral Load testing, Polymerase Chain Reaction (PCR) technology and CD4 count testing, available to HIV-infected persons in both the public and private sector. (Jamaica Information Service, 1 November 2006) [24g]
- 26.30 The National Health Fund [NHF]/Antiretroviral (ARV) tracking system was implemented by the government in November 2005, allowing individuals living with HIV and AIDS easier access to antiretroviral drugs through the National HIV/Sexually Transmitted Infections (STI) Control Programme. (Jamaica Observer, 3 November 2006) [36d]
- 26.31 Four contracts, totalling \$112.78 million, were given to pharmaceutical companies in December 2006 to produce anti-retroviral drugs as part of the HIV/AIDS Prevention and Control Program. (Jamaica Information Service, 13 December 2006) [24s]
- 26.32 The Prevention of Mother to Child Transmission of HIV program provided mothers with free HIV tests and treatment and was successful in reducing transmission of HIV from mother to child. An article reported by Jamaica Information Service states "The health of mothers found with the virus is protected through the provision of free anti-retroviral medication to ensure safe delivery and prevention of transmission of the virus to their babies...as a result of this programme, 94 per cent of babies born to HIV infected women are HIV negative. (Jamaica Information Service, 20 June 2007) [24t]

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SICKLE CELL

- 26.33 On 24 September 2006 The Jamaica Information Service reported on a series of meetings held by the Sickle Cell Trust Jamaica (SCT) in St Elizabeth to educate the public about the disease and encourage them to get tested. The report states that: "One in every 10 Jamaicans or approximately 270,000 persons have the sickle cell trait, while one in every 300 births has a form of the sickle cell disease." [24ah]
- 26.34 On 28 May 2007, a Jamaica Information Service article reported that the Sickle Cell Unit at the University Hospital of the West Indies had been praised for its consistent excellence in research and treatment. The report stated that Jamaica has a high incidence of Sickle Cell Anaemia, one in every one-

hundred and fifty children are born with the disease; making such a facility vital to the country. The unit operates clinics to treat over 5,000 patients with the disease and attracts researchers from all over the world. [24af]

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DIABETES

- 26.35 Treatment for people living with diabetes in Jamaica is easily available and accessible. The Diabetic Association of Jamaica (DAJ) and the Jamaican Government provide diabetes care to the public through clinics, outreach screening and educational activities. More recently a programme developed by the Ministry of Health managed by an Executive Body, the National Health Fund has made diabetes medication available to the general public at a significantly low cost, as well as testing supplies. The DAJ stated that medication and testing kits are available through Government-subsidised pharmacies, and participating private pharmacies. Other services are offered island-wide through Government clinics and Diabetes Association Branches. (Diabetic Association of Jamaica, email dated 1 February 2006) [29]
- 26.36 The Jamaica Information Service also noted "Local distributors of glucometers in the island include, H.D. Hopwood Limited, LASCO Distributors, Cari-Med Limited, Inter Commercial Distributors, and Qualcare Limited." [24k]
- 26.37 On the 17 February 2006, *The Jamaica Observer* reported on the launch of the HOPIE Fund, a non-profit organisation that seeks to provide people needing dialysis treatment with easier access to machines close to where they live and at reduced rates. The report noted that Sandra Bromwell-Riley of HOPIE said the long-term goal was to increase the number of dialysis machines available across Jamaica, particularly in rural areas. Bromwell-Riley stated "We are going to have mobile clinics to visit these people in St Thomas, St Elizabeth and other parishes where there is limited access to the kind of treatment that is required." [36w]
- 26.38 On 29 July 2007 the Jamaica Information Service reported on the introduction of Haemoglobin A1c (HBA1c) test kits at reduced rates for over 50,000 diabetics who registered with the National Health Fund (NHF). Two subsidised tests per year, provided through hospitals, laboratories and medical practitioners, enable diabetics to monitor their blood and glucose levels. [24ai]

(See also [Kidney dialysis](#))

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CARDIAC DISEASE AND TREATMENT

- 26.39 On 2 February 2007 the Jamaica Information Service reported that: "deaths from cardiovascular diseases in Jamaica are six times those that occur from HIV/AIDS and more than four times the number of deaths that occur from trauma including violence and accidents." Risk factors, such as obesity, low levels of physical activity, hypertension and diabetes all contribute to an increased risk of heart disease. The Heart Foundation of Jamaica provided

discounts of services like ECG testing, blood pressure and weight checks, blood sugar, blood cholesterol, and haemoglobin tests during the month. [24a]]

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CANCER TREATMENT

- 26.40 The Jamaica Cancer Society is a non-governmental organisation which carries out screening for cervical, breast and prostate cancer as well as selected diagnostic and treatment services. [41a] In two emails to the UK COI Service, dated 20 and 26 July 2006 respectively, the Jamaica Cancer Society stated that cancer treatment is available in Jamaica both in the public and private sector. The public sector offers chemotherapy, and radiotherapy using cobalt units. The private sector also offers radiotherapy using a linear accelerator, as well as chemotherapy. Radiotherapy is publicly available at the Cornwall Regional Hospital, Montego Bay, and the Kingston Public Hospital in Kingston. Private treatment can be accessed at the Radiation Oncology Centre, also in Kingston. Surgery and chemotherapy are offered at the major, Type A and B hospitals, and some Type C, depending on the extent of the cancer. [41b] (For further information on hospital classifications see source [40a] Jamaica Ministry of Health – Health Facilities)

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KIDNEY DIALYSIS

- 26.41 There are at least eight kidney dialysis centres across the island of Jamaica. Two of the centres are based in Kingston, two in Mandeville, three in Montego Bay and one in Ocho Rios. Of these, two are state run, including the University Hospital of the West Indies (UHWI) in Kingston and the Cornwall Regional Hospital in Montego Bay, and six centres are private. (Global Dialysis) [16]
- 26.42 On 3 July 2003, *The Jamaica Observer* reported on the donation of a portable kidney dialysis machine and a granuflo mixer machine to the Renal Unit of Kingston Public Hospital (KPH), by the Rotary Club of St Andrew. [36ab]
- 26.43 Two kidney dialysis machines were donated to the St Joseph's hospital in June 2007, by Chief executive officer Wayne Smith of Olint Corporation, brother of the founder of the hospital. (Jamaica Gleaner, 22 June 2007) [34cd]

MENTAL HEALTH

- 26.44 The Jamaica Information Service, Ministry of Health, noted that:

“The mental health services are delivered through a three-pronged system consisting of:

- A residential hospital – Bellevue Hospital

- Out-patient community mental health services at primary health care facilities islandwide
 - Residential out-patient rehabilitation units – Ken Royes Rehabilitation Centre.” [24d]
- 26.45 As mentioned in the WHO Country Profile Jamaica 2005, the following therapeutic drugs are available in Jamaica: Carbamazepine, Phenobarbital, Phenyltoinsodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Haloperidol and Lithium. [48]
- 26.46 A mental health forum aimed at raising awareness and decreasing the occurrence of mental health conditions and diseases was held in October 2006. This was in response to the increasing number of suicides in the St James Parish, where the forum was held, and across Jamaica. (Jamaica Information Service, 11 October 2006) [24u]
- 26.47 An education campaign funded by a \$27.6 million National Health Fund (NHF) grant was launched in March 2007, to “promote the importance of maintaining good mental health and prevent mental and physical illnesses; decrease the level of stigma associated with mental illness; and increase awareness and understanding of mental disorders”. (Jamaica Information Service, 22 March 2007) [24v]
- 26.48 The Jamaica Information Service reported in March 2007 on the small number of people seeking treatment for major depressive diseases. The article reported that “people are very reluctant to go for treatment for mental disorders, including depression, because of the stigma and discrimination that exists in our society.” [24w] Another article by the same source reported that many Jamaicans still believe demonic possession to be the cause of mental illness. (Jamaica Information Service, 20 June 2007) [24z]
- 26.49 The Jamaica Information Service reported in June 2007 of “11 clinics... providing mental health care for children with behavioural and emotional problems” in Jamaica. [24y]
- 26.50 The Jamaica Information Service reported on a press release from the Ministry of Health working with non-governmental organisations (NGOs) to establish mental health advocacy groups to provide drop in centres and other services for the mentally ill. (Jamaica Information Service, 20 June 2007) [24z]

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FREEDOM OF MOVEMENT

- 27.01 Reporting on freedom of movement within the country, foreign travel, emigration, and repatriation, USSD report for 2006 noted that “The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and there were no reports that it occurred.” [8g] (p5, Section 2d)

TRANSPORT LINKS

- 27.02 There are reliable bus services in Kingston and Montego Bay although less reliable services for trans-island travel. Flights are also available between Kingston and Montego Bay. The approximate travelling time by road from Kingston to Montego Bay is three hours, or 30 minutes by air. There has been no passenger train service since 1994. (World Travel Guide, Jamaica, accessed 18 July 2006) [15] Fares are extremely low, approximately \$1 USD for a 50-mile bus journey. Public buses in Montego Bay are practically non-existent. (The Jamaica Guide, accessed 18 July 2006) [23]

ACCESS TO SOCIAL SECURITY BENEFITS

- 27.03 Residents of Jamaica may benefit from various Social Security and Welfare provisions, which are aimed at specific target groups. These provisions include Public Assistance Services for the aged, the disabled and the destitute, the Food Stamp Programme for those nutritionally at risk, and the Kerosene Programme targeting poor families following the removal of subsidy on domestic kerosene. (Ministry of Labour and Social Security, accessed 18 July 2006) [24]] For further information on Social Security Benefits see source [22]

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FOREIGN REFUGEES

28.01 The USSD report for 2006 reported that:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and handled refugee or asylum cases administratively. The Government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government provided temporary protection to a number of persons who did not qualify as refugees under the UN treaties. Immigration officers interviewed all Haitians who arrived during the year, determined that none qualified for refugee status, and repatriated all of them.”
[8g] (p5, Section 2d)

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CITIZENSHIP AND NATIONALITY

- 29.01 Under Chapter 2 of the 1962 Constitution, any person who was born in Jamaica and was a citizen of the United Kingdom and Colonies prior to 5 August 1962, became a citizen of Jamaica on 6 August 1962. All persons born in Jamaica after independence would automatically gain Jamaican citizenship. Persons born outside Jamaica to Jamaican parents, who would have qualified for citizenship on 6 August 1962, can become Jamaican citizens. Any person who marries a Jamaican can be registered as a citizen of Jamaica. [2] (Sections 3-12)
- 29.02 The Constitution also states that the Governor-General is empowered to deprive of Jamaica citizenship persons who have acquired legal rights or the citizenship of another country by registration, naturalisation or other voluntary and formal acts (other than marriage). [2] (Section 8)

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EXIT/ENTRY PROCEDURES

- 30.01 No exit visas are required to leave Jamaica. However, a child leaving the country with a person other than a parent needs written authorisation from one parent, which requires certification from the Jamaican immigration office before minors may exit the country. (USSD Bureau of Consular Affairs) [8f]

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Treatment of returned failed asylum seekers

- 30.02 Correspondence, dated 19 April 2005, from the Foreign and Commonwealth Office noted that the British High Commission in Kingston have confirmed that deportees (including failed asylum seekers) are interviewed by police on their return but there are no penalties imposed for immigration or other offences committed solely in the UK. [6c]
- 30.03 On the 5 December 2005, BBC News reported on the murder of a Jamaican man after he was deported back to Jamaica from the UK following a failed asylum application. The report noted that Delroy Edwards, 43, had gone into hiding on his return to Jamaica and, according to his British fiancée, was killed the first time he left the house. Mr Edwards had insisted that he would be persecuted by Jamaican gangsters if he was returned to his homeland. (BBC News, 5 December 2006) [21b] The BBC News article did not state whether Mr Edwards was in the Witness Protection Programme.
- 30.04 On the 3 February 2006, *The Jamaica Observer* noted "Despite a drop in the number of persons deported to Jamaica last year [2005], deportees still have significant influence on the levels of serious crimes committed in Jamaica, Deputy Police Commissioner Mark Shields has said." The report noted "[that] while many were deported for non-violent offences and are not considered serious threats, others, by their very physical presence, can cause crime rates in a community to skyrocket, Shields said." [36ap]
- 30.05 *The Jamaica Observer* article noted that currently, the Jamaica police keep tabs on deportees through the National Intelligence Bureau. The newly formed Crime Hotspot Secretariat also focuses on their movements. [36ap]

Deportation of Foreign National Prisoners

- 30.06 On 2 April 2007 *The Guardian* reported that almost all of the 33,268 Jamaicans deported in the past 15 years were from the US, UK and Canada. According to the article the influx is unwelcome, and the Jamaican government blames the deportees for the island's crime boom. Data from the Ministry of National Security suggests most deportees re-offend once back in Jamaica. Information from a local policeman suggests that many gangs are dominated by deportees who have honed their skills abroad and have a network of international contacts. Other deportees include drug-mules, caught and jailed at their destination, then deported back to Jamaica once they have completed their sentences. [20e]
- 30.07 On 25 October 2007 *The Times* reported that Britain had already signed an agreement with Jamaica to repatriate their 1,400 foreign prisoners. [76a] On 29

October 2007 Jamaicans for Justice reported that Britain was planning to send back over 1,400 Jamaicans convicted of crimes in the United Kingdom. The article states the Salvation Army and Food for the Poor offered their services if assistance was required to resettle the deportees. The report goes on to state that if the deportees were not prepared to take up work on their return, or if they were also wanted on criminal charges in Jamaica, then the country's social stability could deteriorate further. It also says that, like the United States, Britain offered no mandate, funds or interest in helping to resettle the criminal deportees, although they did offer help in establishing a monitoring system. [50f]

- 30.08 However, on 29 October, *The Times* reported it was likely that only 1 per cent of Jamaican prisoners would in fact be sent back, as the prison transfer agreement between the countries barred the deportation of dangerous criminals and limited the number of criminals Jamaica could take back. The priority would be to repatriate women with children back in Jamaica. [76b]

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EMPLOYMENT RIGHTS

31.01 The USSD report for 2006 noted that “The law provides for the right to form or join a trade union and unions functioned freely and independently of the government. Approximately 20 percent of the work force of 1.2 million was unionized. Some union workers charged that private sector employers laid them off and then rehired them as contractors with reduced pay and benefits; a practice that was legal as long as workers received severance pay.” [8g] (p8, Section 6a)

31.02 The same source noted:

“The law neither authorizes nor prohibits the right to strike, and strikes occurred: of 220 disputes reported to the Ministry of Labor, 21 resulted in strikes. Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs, although there were no reports of any workers losing their jobs over a strike action during the year. Workers in 10 broad categories of ‘essential services’ are prohibited from striking, a provision the ILO repeatedly criticized as overly broad. However, despite this prohibition, some workers who provide essential services went on strike by staging a ‘sick-out’.” [8g] (p9, Section 6b)

31.03 The USSD report for 2006 also noted:

“[that] The minimum wage did not provide a decent standard of living for a worker and family, but most workers were paid more than the legal minimum. The Ministry of Labor administered and enforced the minimum wage. The law provides for a standard 40-hour workweek and mandates at least one rest day per week. Work in excess of 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that was observed widely, except by some security guard companies.” [8g] (p9, Section 6e)

(See [Economy](#))

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Annex A: Chronology of major events

- 1655** Britain captured Jamaica.
- 1670** Jamaica formally ceded to Britain.
- 1838** Slavery abolished.
Norman Manley founded the People's National Party (PNP).
- 1944** Universal adult suffrage introduced; new constitution providing for a popularly-elected House of Representatives promulgated.
- 1962** Jamaica became independent within the Commonwealth with Alexander Bustamante of the Jamaica Labour Party (JLP) as Prime Minister.
- 1972** The PNP won the general election and Michael Manley becomes Prime Minister.
- 1976** The PNP won another election.
- 1980** The JLP won the general election and Edward Seaga is elected Prime Minister. Seaga proceeded to privatise state enterprises.
- 1989** Michael Manley was elected Prime Minister after PNP ousts the JLP in elections.
- 1992** Michael Manley retired on health grounds and is succeeded by Percival Patterson as the Prime Minister and the leader of the PNP.
- 1993** The PNP returned to office with an increased majority.
- 1998** The PNP won a third term in office amid increasing crime and deteriorating economy.
- 1999** **April:** violent protests took place against a 30 per cent increase in fuel prices. In July the Government ordered the army to patrol the streets of Kingston following a massive increase in crime.
- 2001** **July:** Troops backed by helicopter gunships, tanks and armoured vehicles moved in to restore order in capital, Kingston, after three days of unrest left at least 27 people dead.
- 2002** **January:** The authorities announced that more than 1,100 people were murdered in Jamaica in 2001. This showed an increase of 30 per cent over the previous 12 months, and the highest ever recorded in a single year.

March: Britain's Privy Council, decided to halt executions in a number of Caribbean countries where capital punishment has widespread support as a deterrent to rising violent crime. Prime Minister P. J. Patterson criticised the move.

- October 16:** The People's National Party was re-elected for the fourth term in the general election. This was the third consecutive election victory for Prime Minister Patterson.
- 2003 January:** UK introduced visa regime for Jamaicans entering the UK; London says the move is intended to tackle illegal immigration.
- 2004 March:** Ousted former Haitian president Jean-Bertrand Aristide arrived in Jamaica, prompting angry response from new Haitian government.
- 2004 September:** Hurricane Ivan described as the biggest in living memory pounded the island, destroying thousands of homes.
- 2004 End:** Gang rivalry, drugs trade contribute to high murder rate. 1,145 murders in 2004.
- 2005 September:** Prime Minister PJ Patterson says he will step down by April 2006.
Opposition leads a day of protest over price increases for utilities and public transport.
- 2005 End:** More than 1,600 murders in 2005.
- 2006 February:** Local government minister Portia Simpson Miller is elected as head of the ruling People's National Party. She succeeds PJ Patterson to become Jamaica's first female PM in March [2006].
- 2006 October:** Government survives a confidence vote in parliament over the ruling party's acceptance of a campaign donation from a Netherlands-based oil company.
- 2007 September:** Jamaica Labour Party wins general elections. [21c]

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Annex B: Political organisations

People's National Party (PNP) www.pnpjamaica.com

Founded in 1938; Socialist principles; affiliated with the National Workers' Union.

President: Portia Simpson-Miller.

General Secretary: Donald Buchanan.

Vice Presidents: Angella Brown-Burke. [5b]

Jamaica Labour Party (JLP) www.thejlp.org

Founded in 1943. Supports free enterprise in a mixed economy and close co-operation with the USA.

Leader: Bruce Golding.

Chair: Ken Baugh.

General Secretary: Karl Samuda. [5b]

National Democratic Movement (NDM) www.ndm4jamaica.org

Founded in 1995; advocates a clear separation of powers between the central executive and elected representatives; supports private investment and a market economy. Member of the New Jamaica Alliance.

President: Earl Delisser.

Chair: Hugh Thompson. [5b]

Jamaica Alliance Movement (JAM)

Founded 2001; Kingston based; Rastafarian.

President: Astor Black. [5b]

Jamaica Alliance for National Unity (JANU)

Founded in 2002. Member of the New Jamaica Alliance.

Chair: Rev. Al Miller. [5b]

United People's Party (UPP)

Founded in 2001.

President: Antoinette Haughton Cardenas.

General Secretary: Horace Matthews. [5b]

Republican Party of Jamaica (RPJ)

Kingston based; Member of the New Jamaica Alliance.

Leader: Denzil Taylor. [5b]

Natural Law Party

Founded 1996.

Leader: Dr Leo Campbell. [5b]

Imperial Ethiopian World Federation Party (I.E.W.F. Inc).

Launched on 16 July 1997 and first entered the Jamaican political arena in the 1997 General Election with five candidates. It was launched to represent the Rastafarian community in the Jamaican Parliament and the Grassroot people. [51]

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Annex C: Prominent people

Kenneth Baugh

In September 2007 Dr Kenneth Baugh was officially named Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade following the JLP's victory in the September 2007 national elections. [34ci]

Bruce Golding

In September 2007 Bruce Golding was officially named Prime Minister and Minister of Planning, Development and Defence following the JLP's victory in the September 2007 national elections. [34ci]

Michael Manley

Became Prime Minister in 1972 following an impressive victory by the PNP in the general elections. Succeeded by JLP's Edward Seaga in 1980. Returns as PM following 1989 elections but retires in 1992 on health grounds. [21c]

Percival J Patterson

Assumed office as Prime Minister in 1992. [6a] (p1) He led the PNP to election victories in 1993 and 1997. [5a] Retired in 2006 after 14 years in office. [21b]

Portia Simpson-Miller

New president of PNP as of 27 February 2006. [34c] Inaugurated as Prime Minister on 30 March 2006. [21b] In the September 2007 national elections the PNP narrowly lost to the JLP and Bruce Golding took over the role of Prime Minister from Simpson-Miller. [21j]

Edward Seaga

JLP leader and Prime Minister between 1980 and 1989. [21c] Mr Seaga's resignation took effect on 19 January 2005. He assumed a senior post in the Department of Government at the University of the West Indies. [34ay]

Hilaire Sobers

Human rights activist and lawyer and writes a weekly column on human rights for *The Jamaica Observer*. He is an outspoken critic of the government's human rights record. He has been highly critical of the authorities' failure to prevent extrajudicial executions by the security forces and other abuses. [9c]

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Annex D: List of abbreviations

AI	Amnesty International
CCJ	Caribbean Court of Justice
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
DFID	Department for International Development
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IJCHR	Independent Jamaica Council for Human Rights (1998) Limited
IMF	International Monetary Fund
IOM	International Organization for Migration
ISCF	Island Special Constabulary Force
JAS	Jamaica AIDS Support
JCF	Jamaica Constabulary Force
JDF	Jamaica Defence Force
JFLAG	Jamaica Forum for Lesbians, All-Sexuals and Gays
JLP	Jamaica Labour Party
NAC	National AIDS Committee (Jamaica)
NGO	Non Governmental Organisation
PAHO	Pan American Health Organization
PLWHA	People living with HIV/AIDS
PNP	People's National Party
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

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