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### JAM101751.E

Jamaica: Prevalence and forms of child abuse; legislation governing the protection of abused children and its implementation; availability of child protection services (2003 - 2006)

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#### Prevalence and forms of child abuse

A number of sources provided information on the prevalence of child abuse in Jamaica. A consultant clinical psychologist working at the University Hospital of the West Indies (UHWI) in the Department of Child Health, citing a conference paper presented by the chief executive officer of Jamaica's Child Development Agency (CDA), indicated in correspondence to the Research Directorate that in 2005, 594 cases of physical abuse, 412 cases of sexual abuse, and 144 cases of child abandonment were reported to the CDA (19 Oct. 2006). A Jamaica Information Service (JIS) article reports that in 2005, there were 367 cases of child rape and 346 cases of "carnal abuse" (Jamaica 25 May 2006). In 2005, between 75 (ibid.) and 91 children were murdered in Jamaica (UN Dec. 2005). More than 300 children were murdered in Jamaica between the years 2000 and 2005 (Jamaica 25 May 2006).

The United Nations (UN) Children's Fund (UNICEF) was quoted in the *Jamaica Observer*, saying that in 2004, "430 [children] were shot and more than 900 were reportedly victims of sexual abuse, including rape" (25 Feb. 2005). In its February 2006 report on sexual violence in Jamaica, Amnesty International (AI) notes that in

2004, "70 per cent of all reported sexual assaults ... were recorded against girls rather than women." Seventeen percent of thirteen and fourteen year old girls in Kingston report having experienced "rape or attempted rape; the majority by adult casual acquaintances" (AI Feb. 2006).

The consultant clinical psychologist described to the Research Directorate what she understood to be the causes of child abuse in Jamaica:

[T]hese factors include an apparent cultural tolerance for the abuse of the rights of children; ignorance of child's rights, needs and development and appropriate parenting practices; financial problems and unemployment and the associated emotional and social consequences; dysfunctional caregivers who have addictions; and a distorted view of females by some men - i.e that sexual familiarity with and possession of females regardless of their age is acceptable

behaviour. Despite the growing availability of services, they are not being fully utilised for fear of reprisal from members of the community if the abuse is reported, because a vast majority of persons are still ignorant of the services and also there is a delay in accessing services due to the limited man power. These factors also contribute to child abuse being perpetuated. (19 Oct. 2006)

In an undated online report entitled *Gender Achievements and Prospects in Education*, the UN Girl's Education Initiative (UNGEI) indicates that in Jamaica "child-rearing practices often border on child abuse disguised as discipline ... One study found that 47 percent of parent or guardians admitted disciplining children with physical assaults and 25 percent through psychological aggression" (UN n.d.b). Amnesty International (AI) reports that corporal punishment is "tacitly accepted" in Jamaican schools, and that "most girls have witnessed violence at school and many have been victims" (AI Feb. 2006). AI indicates that adolescent girls may be targeted for rape as they are perceived as less likely carriers of HIV (Feb. 2006[I1]). AI also stresses that boys are also subject to abuse by a variety of aggressors (ibid.).

AI reports that in situations of poverty "there may be implicit or explicit pressure on girls to earn for the family by providing sexual favours for older men" (ibid, Sec. 1.a). Where gang leaders, known as "dons" in Jamaica, are in control of communities, they often demand that families "hand over" teenage girls for sex (ibid., Sec. 2; see also US 8 Mar. 2006, Sec. 5). Criminal violence against children also occurs as part of the gang-related reprisal system (AI Feb. 2006). Information obtained by AI points to gang networks spreading outside the Kingston urban area (ibid.).

## **Legislation and enforcement**

The *Child Care and Protection Act* (2004), the *Domestic Violence Act* (1995 updated in 2004) (AI Feb. 2006; Sec. 5), the *Incest (Punishment) Act* (1948 updated in 1980) (ibid[I2].), the *Offences Against the Person Act* (1865 updated in 1995) (ibid.) and the *Judicature (Family Court) Act* (1975) (AsylumAid June 2004, 91) address various aspects of child abuse.

According to the consultant clinical psychologist based at the UHWI, Jamaica has ratified the UN Convention on the Rights of the Child (19 Oct. 2006; Jamaica n.d.c) and domesticated the provisions of the convention by passing the *Child Care and Protection Act* in 2004 (19 Oct. 2006). The *Child Care and Protection Act* places "special emphasis" on accountability for child abuse (Jamaica 17 Apr. 2006), and establishes the Office of the Children's Advocate (ibid. 19 July 2006, 8; ibid. n.d.a). A JIS article describes the Children's Advocate as a mandate

[T]o protect the rights and best interests of children, give advice and make recommendations to Parliament or any Minister or relevant authority on matters concerning rights and best interests of children, review and recommend changes to laws and practices affecting the rights of children, (ibid. 6 Feb. 2006)

as well as to provide children with legal assistance and representation, and "investigate and hear complaints brought on behalf of children against government authorities" (ibid.; see also UN n.d.a). The *Child Care and Protection Act* established a national child abuse registry (Consultant 19 Oct. 2006; Jamaica n.d.a) which, according to an August 2006 JIS article, expected to have its

personnel recruited by December 2006 (Jamaica 21 Aug. 2006). No further information on the national child registry could be found by the Research Directorate within the time constraints of this response.

Jamaica's new *Domestic Violence Act*, amended in 2004, has rules that cover "'visiting relationships,' where single mothers are often the heads of households, but may be visited from time to time by children's fathers or have relationships with other men who contribute to the household economically"(AI Feb. 2006, Sec. 5). Under the revised act, women in such relationships are to be protected and financially maintained, and the visiting partner shall provide maintenance to her children, whether or not he is their biological father (ibid.).

In its fifth periodic report to the United Nations (UN) Committee on the Elimination of Discrimination Against Women, the government of Jamaica indicated that offences contained in the *Incest (Punishment) Act* are too narrowly defined (18 Feb. 2004). According to AI, legislation governing incest in Jamaica does not reflect the large number of "live-in, serial common-law relationships that women may experience" (Feb. 2006). AI further indicates that under the *Offences Against the Person Act* and the *Incest (Punishment) Act*, incest carries a lesser penalty than rape (Feb. 2006[I3], Sec. 5). The government did, however, indicate that it is seeking to amend the *Incest (Punishment) Act* to broaden its provisions and to increase penalties for offences (Jamaica 18 Feb. 2004). AI notes that in cases of unconfirmed sexual assault, judges in Jamaica are required to issue a warning to the jury, which reads: "The law says that in these types of cases it is desirable that there should be corroboration ... because experience has shown that women and young girls often tell lies ..." (Feb. 2006, Sec. 5).

In 2004, the Associated Press reported that a Jamaican man who sexually abused and knowingly infected his step-daughter with the human immunodeficiency virus (HIV) was sentenced to 15 year in prison (5 May 2004). According to the article, Jamaica does not have legislation criminalizing the wilful transmission of HIV (ibid.).

The investigation of criminal offences is undertaken by the Jamaican Constabulary Force (JCF) through its Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) (AI Feb. 2006, Sec. 4.b; Consultant 19 Oct. 2006). CISOCA centres are located across Jamaica in the main police station of each parish (AI Feb. 2006, Sec. 4.b; see also Jamaica n.d.b). The CISOCA Web site says that its objectives are to create a milieu conducive to reporting, to uphold the quality of investigations into child abuse, to assist victim rehabilitation through referral to services and to conduct public awareness campaigns (Jamaica n.d.b). Police officers take victim statements, "offer support" and make referrals for medical examinations where evidence is collected and HIV testing and emergency contraception are made available (AI Feb. 2006, Sec. 46). Where the perpetrator is known, the police carry out immediate arrests, and, depending on the sufficiency of evidence, cases are sent to either a preliminary or circuit court (ibid.).

AI generally receives positive feedback about CISOCA, although it receives mixed reports about its effectiveness, and quotes a defence attorney as saying that rape does not constitute a high priority for police investigators (ibid., Sec. 4.c). In its report *Towards a Victim's Charter*, the Jamaican Ministry of Justice indicates, with respect to child victims of violence, that "regrettably, after the investigations are completed and the victim becomes a witness, very little support is available" (Jamaica 19 July 2006, 6). In a public statement, Jamaica's

Children's Advocate, Mary Clarke, indicated that child victims of sexual violence "often disappeared" when hearings were scheduled to take place, only to reappear after the hearing date (ibid. 25 May 2006). AI asserts that "the state is failing to effectively prevent and investigate [sexual assault against women and girls] and also to punish the perpetrators" (AI 12 June 2006).

### **Availability of child protection services**

The Child Development Agency (CDA) of Jamaica is an executive agency under the Ministry of Health (Jamaica n.d.c.) and was described to the Research Directorate in correspondence as "a government agency with oversight responsibility for children; with offices located in all fourteen parishes throughout Jamaica" (Consultant 19 Oct. 2006). The CDA investigates reports of abuse and advises on child abuse in general (ibid.). According to the Jamaican Ministry of Health, 58 children's homes and places of safety are in operation on the island, 13 of which are government run (Jamaica n.d.c; see also Jamaica n.d.d). In March 2003, the number of children who were wards of the state was 5,206 (ibid.).

The Consultant Clinical Psychologist at UHWI outlined the services available to abused children in Jamaica. Mental health services include victim support units run by the Ministry of National Security and Justice in all of Jamaica's parishes, child guidance clinics, which operate in 8 parishes under the Ministry of Health, and a violence prevention clinic based in the University of the West Indies (UWI) department of sociology, psychology and social work (Consultant 19 Oct. 2006). In addition, the UHWI hosts a clinic for children who have experienced physical, psychological and sexual abuse (ibid.).

A JIS article explains that the Child Abuse Mitigation Project (CAMP) at Bustamante Hospital for Children was established in January 2004 and treats children with injuries, as well as child victims of sexual, community and domestic violence (Jamaica 22 Aug. 2006; see also Jamaica 19 July 2006, 6). According to the article, in its first two years CAMP handled 784 cases of child abuse, or roughly 22 cases each month (Jamaica 22 Aug. 2006).

The Jamaica Foundation for Children and the Women's Crisis Centre operate hotlines for parents and children (Consultant 19 Oct. 2006). Counselling and support services for street children are provided by the following organizations: Children first in St. Catherine; the Young Men's Christian Association (YMCA) in Kingston and St. Catherine; the Western Society for the Upliftment of Children in St. James; and, the Learning for Earning Activity Programme and the National Initiative for Street Children in Kingston (ibid.). Counselling and support for children in conflict with the law is provided by Jamaica's family court operating in Kingston and St. James (ibid). Pregnant teens can seek assistance at Rural Family Support in Clarendon or through the Women's Centre of Jamaica Foundation, which operates in 8 parishes (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** The Director of Child Protection Services at Jamaica's Ministry of Health did not provide information to the Research Directorate within the time constraints of this Response.

**Internet sites, including:** British Broadcasting Corporation (BBC), Caribbean Net News, Child Welfare Information Gateway, European Country of Origin

Information Network (ecoi.net), Human Rights Watch (HRW). *The Independent*, International Youth Foundation, National Clearinghouse on Child Abuse, United Nations International Labour Organization (ILO), World Corporal Punishment Research.

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