

Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > [Responses to Information Requests](#)

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

20 January 2014

JAM104717.E

Jamaica: Domestic violence, including legislation, state protection and support services available (2010-2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Background

In June 2013, the UN Economic, Social and Cultural Rights Committee expressed "its profound concern at high rates of domestic and sexual violence" in Jamaica (UN, 10 June 2013, para.19). In a June 2011 report to the UN Economic and Social Council on Jamaica's implementation of the International Covenant on Economic, Social and Cultural Rights, the government of Jamaica itself states that "[t]here is an unacceptable high level of violence against women and children" in the country (Jamaica 14 June 2011, para. 87).

Other sources state that violence against women is "widespread" (Freedom House 2013; US 8 Apr. 2011, 18). Amnesty International (AI) similarly states that sexual violence against women and girls remains a concern in Jamaica (2013). The US *Country Reports on Human Rights Practices for 2012* adds that "violence against women, including spousal abuse," is perpetuated by "[s]ocial and cultural norms" (US 19 Apr. 2013, 16). Corroboration of the statement by the *Country Reports 2012* could not be found among the sources consulted by the Research Directorate.

The *Country Reports on Human Rights Practices for 2010* states that "many women were reluctant to acknowledge or report abusive behaviour, leading to wide variations in estimates of its extent" (ibid. 8 Apr. 2011, 18). The *Gleaner*, a Kingston, Jamaica, daily newspaper, reports that in March 2013, an attorney and women's rights activist likewise indicated, while speaking at a Kingston luncheon organized for International Women's Day, that Jamaican women "fail to seek help" due to "fear, ignorance of the law and embarrassment" and that "many women only seek help when the circumstances are dire" (10 Mar. 2013).

In a response provided in February 2012 to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the government of Jamaica stated that the Jamaica Constabulary Force is not able to provide data on the number of women killed annually by their husbands, intimate partners or ex-husbands because "the information is not disaggregated in this manner" (Jamaica 8 Feb. 2012, para. 7). However, in the same response, the Jamaican government provided information on intimate partner violence (IPV) taken from a 2008 reproductive health survey conducted by the National Family Planning Board using a "nationally representative sample of 8,259 women aged 15-49" (ibid.). According to the survey, of the women with partners who were surveyed,

- 1 in 3 had experienced some combination of IPV during her lifetime
- 1 in 5 had experienced physical or sexual IPV in her lifetime
- 1 in 2 (48%) have experienced at least one controlling behaviour and
- 8% reported ever having been forced to have sex by an intimate partner. (ibid.)

2. Legislation

In an August 2010 report to the UN prepared for its Universal Periodic Review, the government of Jamaica states:

The *Domestic Violence (Amendment) Act* of 2004 provides for men and women who have been victims of domestic violence to apply for the protection of the courts. This Act broadened the categories of women protected to include not just married women, but also women in common-law and visiting relationships. (ibid. 20 Aug 2010, para. 29)

In its June 2011 report to the UN Economic and Social Council, the government of Jamaica adds:

This Act continues to be used as a means of redress for women and children. It provides occupation, protection and ancillary orders for victims of domestic violence. The Act also makes special provision for women involved in residential and non-residential relationships. Proceedings under the Act may now be initiated by a third party on behalf of an abused woman and damage to property has now been recognised as a form of domestic violence. (ibid. 14 June 2011, para. 88)

Country Reports for 2012 states that

[t]he law prohibits domestic violence and provides remedies including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to J\$10,000 (\$112) and six months' imprisonment. (US 19 Apr. 2013, 16)

In its August 2010 report for the Universal Periodic Review, the government of Jamaica also states that the *Sexual Offences Act*, passed in 2009, "creates new provisions for the prosecution of rape and other sexual offences, including marital rape" (20 Aug. 2010, para. 30).

However, Freedom House states that "legal protections for women are poorly enforced" (2013). In addition, according to *Country Reports 2012*,

[t]he 2009 Sexual Offences Act criminalizes spousal rape, but only in certain circumstances, namely when the parties have separated or when proceedings to dissolve the marriage or have it annulled have begun, when the husband is under a court order not to molest or cohabit with his wife, or when the husband knows he suffers from a sexually transmitted infection. (US 19 Apr. 2013, 16)

3. State Protection

3.1 Strategies

AI reports that the Office of the Prime Minister promised a plan of action to address violence against women in September 2012 (2013). According to *Country Reports 2012*,

The BWA [Bureau of Women's Affairs] submitted to Parliament a draft National Plan of Action on Violence against Women and Gender-Based Violence that aims to provide a comprehensive strategy guiding the government's response to the problem and began implementing some of the strategies while awaiting its approval. (US 19 Apr. 2013, 16)

Information on the implementations of these plans could not be found among the sources consulted by the Research Directorate. However, in its June 2013 report, the UN Economic, Social and Cultural Rights Committee expressed "its profound concern" at the Jamaican government's "lack of a comprehensive strategy" targeting domestic and sexual violence (UN 10 June 2013, para.19).

3.2 Bureau of Women's Affairs

In its August 2010 report to the UN for the Universal Periodic Review, the government of Jamaica stated that the BWA, "which is the main state agency responsible for gender issues, has implemented projects aimed at addressing gender-based violence and sexual harassment" (20 Aug. 2010, para. 31). In its report to the UN Economic and Social Council, the government of Jamaica also states that the BWA,

along with other Government agencies, NGOs and community-based organizations (CBOs), continues to conduct gender-based violence and human rights education workshops as part of a comprehensive public education programme and integrated prevention strategy to eliminate attitudes that foster, justify, and tolerate violence. (14 June 2011, para. 92)

In its February 2012 report to CEDAW, the Jamaican government specified that "the Bureau of Women's Affairs continues to coordinate and organize sensitizations workshops and seminars for Resident Magistrates and High Court Judges" adding that,

[a]s part of this endeavour, over twenty-two (22) Resident Magistrates received training in how to offer greater redress to women and girls who are victims of violence, especially sexual violence and domestic abuse. Similar training sessions have also been held throughout the period with members of the Office of the Director of Public Prosecutions (DPP). (Jamaica 8 Feb. 2012, para. 3)

According to *Country Reports 2010*, the BWA also "operated crisis hotlines and managed a public education campaign to raise the profile of domestic violence" (US 8 Apr. 2011, 18). Information on whether the hotlines were still in operation could not be found among the sources consulted by the Research Directorate.

3.3 Police

Country Reports 2012 states that "NGOs expressed concerns that in the short term there was insufficient funding for police investigations of gender-based violence and for counselling and shelter for victims" (US 19 Apr. 2013, 16). The same report adds that "the NGO Woman Inc. reported that women frequently complained that police failed to treat domestic violence as a crime and take the necessary reports," but notes that that the Jamaican Constabulary Force "instituted a domestic abuse sensitivity training program for police officers in downtown Kingston" (ibid.).

4. Support Services

An April 2012 research report on domestic violence in the Caribbean produced by Global Scripture Impact (GSI), the research branch of Christian ministry organization the American Bible Society (ABS), which "provide[s] ABS with the project impact evaluation and analysis required to inform its ministry investment decisions" (GSI n.d.), states that "[a]lthough domestic violence makes headlines daily, few organizations or institutions have developed effective methods for addressing the problem and even fewer have developed programs working with perpetrators of the violence" (ibid. Apr. 2012, 9). In November 2011, the UN Human Rights Committee expressed regret over the lack of shelters for victims of domestic violence (17 Nov. 2011, para.19).

Sources report that only one shelter for victims of domestic violence exists in the country, operated by the NGO Women Inc. (US 19 Apr. 2013, 16; Jamaica 8 Feb. 2012, para. 8; OAS 10 Aug. 2012, para. 228). According to a 2012 report on human rights in Jamaica by the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), the shelter is located in Kingston and can accommodate only 11 people at a time, which includes children (ibid.). The IACHR report adds that "shelter is temporary: a stay may last for up to ten days followed by a review, and is granted for emergencies only" (ibid.). The Jamaican government provides a subsidy to this shelter (US 19 Apr. 2013, 16; Jamaica 8 Feb. 2012, para. 8; OAS 10 Aug. 2012, para. 230).

The IACHR adds that Women Inc. also has a crisis centre located in Montego Bay but only provides counselling and doesn't provide temporary accommodation (ibid., para. 228). The Jamaican government states that its subsidy pays to house Women Inc. offices in Kingston and Montego Bay (8 Feb. 2012, para. 8).

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 sources consulted in researching this Information Request.

References

Amnesty International (AI). 2013. "Jamaica." *Annual Report 2013: The State of the World's Human Rights*. (POL 10/001/2013) <<https://www.amnesty.org/en/region/jamaica/report-2013>> [Accessed 15 Jan. 2014]

Freedom House 2013. "Jamaica." *Freedom in the World 2013*. <<http://www.freedomhouse.org/report/freedom-world/2012/jamaica>> [Accessed 16 Dec. 2013]

The Gleaner. 10 March 2013. Camille Tracey. "Women Urged to 'Take Advantage' of the Laws." <<http://jamaica-gleaner.com/gleaner/20130310/lead/lead7.html>> [Accessed 16 Dec. 2013]

Global Scripture Impact (GSI). April 2012. *Domestic Violence in the Caribbean*. <http://gsiimpact.org/pdf/sample_sector.pdf> [Accessed 16 Dec. 2013]

_____. N.d. "What We Do." <<http://gsiimpact.org/about.html>> [Accessed 13 Jan. 2014]

Jamaica. 8 February 2012. *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Sixth and Seventh Periodic Report: Jamaica*. (CEDAW/C/JAM/Q/6-7/Add.1) <<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=506056262>> [Accessed 16 Dec. 2013]

_____. 14 June 2011. *Implementation of the International Covenant on Economic, Social and Cultural Rights: Combined Third and Fourth Periodic Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Jamaica*. (E/C.12/JAM/3-4) <http://www.ecoi.net/file_upload/1788_1340111904_e-c-12-jam-3-4-en.pdf> [Accessed 16 Dec. 2013]

_____. 20 August 2010. *National Report Submitted in Accordance with Paragraph 15 a) of the Annex to Human Rights Council Resolution 5/1: Jamaica*. (A/HRC/WG.6/9/JAM/1) <<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4cbc13782>> [Accessed 16 Dec. 2013]

Organization of American States (OAS). 10 August 2012. Inter-American Commission on Human Rights (IACHR). *Report on the Situation of Human Rights in Jamaica*. <<http://www.refworld.org/docid/51ff65004.html>> [Accessed 13 Jan. 2014]

United Nations (UN). 10 June 2013. Economic and Social Council. *Concluding Observations on the Combined Third and Fourth Periodic Reports of Jamaica, Adopted by the Committee at its Fiftieth Session (29 April-17 May 2013)*. (E/C.12/JAM/CO/3-4) <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FJAM%2FCO%2F3-4&Lang=en> [Accessed 14 Jan. 2014]

_____. 17 November 2011. Human Rights Committee. *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant*. (CCPR/C/JAM/CO/3) <http://www.ecoi.net/file_upload/1930_1332146603_g1147116.pdf> [Accessed 13 Jan. 2014]

United States (US). 19 April 2013. "Jamaica." *Country Reports on Human Rights Practices for 2012*. <<http://www.state.gov/documents/organization/204673.pdf>> [Accessed 16 Dec. 2013]

_____. 8 April 2011. "Jamaica." *Country Reports on Human Rights Practices for 2010*. <<http://www.state.gov/documents/organization/160168.pdf>> [Accessed 16 Dec. 2013]

Additional Sources Consulted

Oral Sources: A representative of Women's Media Watch did not provide information. A representative of the Jamaica Bureau of Women's Affairs did not provide information within the time constraints of this Response. Attempts to contact a representative of Women Inc. were unsuccessful.

Internet Sites, including: ecoi.net; Factiva; Human Rights Watch; IRIE FM; Jamaica – Jamaica Constabulary Force, Jamaican Information Service, Ministry of Justice, National Family Planning Board; Jamaica News Bulletin; *Jamaica Observer*; RJR News; Television Jamaica; United Kingdom – Home Office; United Nations – Refworld; Women's Media Watch.

[Tips on how to use this search engine.](#)

Date modified: 2014-03-07 [Top of Page](#)