



# **JAMAICA COUNTRY REPORT**

**April 2004**

**Country Information & Policy Unit**

**IMMIGRATION AND NATIONALITY DIRECTORATE  
Home Office, United Kingdom**

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## 1. Scope of Document

**1.1** This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office 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. It is not a detailed or comprehensive survey.

**1.2** The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

**1.3** The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

**1.4** The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

**1.5** All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

**1.6** This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

**1.7** It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

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## **2. Geography**

**2.1** Jamaica is located in the Caribbean Sea, south of Cuba. Its terrain is mostly mountainous, with a narrow, discontinuous coastal plain. Its climate is tropical all year and more temperate inland. [6](p1)

**2.2** Jamaica, with an area of 10,991 sq km, is the third largest island in the Caribbean Sea, lying 145 km (90 miles) to the south of Cuba and 160 km (100 miles) to the south-west of Haiti. Kingston is its capital and the island is divided into 14 parishes. According to the official estimate in 2003, the population stood at 2, 695,867. [4](p1-2)

**2.3** The official language is English but patois English is also widely spoken. The majority of the population belongs to Christian denominations, with the Church of God being the most numerous. [4](p3) Other denominations include the Methodist and Congregational Churches, the Ethiopian Orthodox Church, the Disciples of Christ, the Moravian Church, the Salvation Army and the Society of Friends (Quakers). [1](p550)

(For further information on geography refer to the Europa World Year Book 2004 - 12<sup>th</sup> Edition) Source [1].

## **3. Economy**

**3.1** The key sectors in Jamaica's economy are bauxite and tourism. Since assuming office in 1992, Prime Minister Patterson eliminated most price controls, streamlined tax schedules and privatised government enterprises, whilst tight monetary and fiscal policies have helped slow inflation. [6](p2)

**3.2** According to the Foreign and Commonwealth Office Country Profile on Jamaica updated 14 August 2003, depressed economic conditions in 2002 have contributed to increased civil unrest and a mounting crime rate. [6](p2)

**3.3** According to the United States Department of State (USSD) Background Note on Jamaica, January 2004, 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. [7](p4)

The currency in use is the Jamaican dollar. The exchange rate is J\$47.4 to US\$1. [7](p3)

(For further information on economy refer to the Europa World Year Book 2004 - 12<sup>th</sup> Edition) Source [1].

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## 4. History

**4.1** Jamaica was a British colony since 1655. The country became a member of the Federation of the West Indies in 1958. [6](p1)

**4.2** Jamaica was granted internal self- government in 1959, and full independence, within the Commonwealth, was achieved on 6 August 1962. The two dominant figures after the Second World War were the late Sir Alexander Bustamante, leader of the Jamaica Labour Party (JLP), 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. The Jamaica Labour Party (JLP) and the People's National Party (PNP) have been the two most dominant political parties forming successive governments since the country's independence. [5](p2259)

### Recent History

**4.3** In 1992, Percival Patterson became Prime Minister and then led the PNP to election victories in 1993 and 1997. In the general election of 18 December 1997, the PNP won 56 percent of the votes cast and 50 of the 60 seats in the House of Representatives. [5](p2259-2260) According to an article on the BBC News dated 17 October 2002, this was the fourth consecutive electoral success for the PNP and third consecutive term for its leader. Provincial results gave the PNP 35 seats in the 60-seat Parliament against 22 for the JLP. [21d]

**4.4** In 1998 and 1999 there were many public protests against police actions and the deepening economic crisis, several of which resulted in riots. The continuing unrest led to the imposition of a curfew in Kingston in October 1998. The JLP and National Democratic Movement (NDM) initially helped to organise the protests but later disassociated themselves from the subsequent violence. [5](p2260)

**4.5** Despite measures implemented by the Government in 2000, confrontations between the Police and various sectors of the community continued during 2001. Amnesty International claimed that the Jamaican Police Force had one of the highest records for the execution of its own citizens in the world. In 2000 the police force had shot dead 140 suspected criminals. In July 2000, conflict broke out between the police and rival PNP and JLP factions in Kingston, reportedly caused by an exchange of gunfire between police and a group of civilians during a weapons patrol. Following three days of fighting in which 25 people were reportedly killed, units of the Jamaica Defence Force (JDF) were deployed to restore order. [5](p2260)

**4.6** In August 2001, the leaders of the two political parties held a meeting to discuss ways of reducing crime and violence in the suburbs. It was proposed that a crime committee would be established and would be jointly headed by the Minister of National Security and the JLP's Spokesman on National Security. However, in October 2001, with social unrest and sporadic outbreaks of violence the Government was prompted into deploying army, air and coastguard units to suppress the unrest. These outbreaks continued into 2002. [5](p2260)

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**4.7** Although ostensibly political, much of the violence emanates from the 'garrison communities' known by their unofficial names which include Tel Aviv, Dunkirk and Southside in downtown Kingston, which are also home to the country's drug barons. And what is becoming clear is that many of the attacks are being funded by Yardie gangsters based in London. They are using money from the drug trade to disrupt elections and ensure their favoured candidates are brought to power. [20]

**4.8** On 12 November 2003, Security Minister said that the national crime plan will be launched within six weeks, but he declined to give a definite date for the launch, claiming he would be giving away something operational. He said the basic purpose of the plan was to dismantle criminal groupings of a paramilitary nature which have been wreaking havoc on communities". [36a]

**4.9** One UK newspaper reported that the United Kingdom will be assisting the Jamaican police to set up a National Intelligence Bureau, which will co-ordinate the operations of all intelligence units within the constabulary. On 22 November 2003 the Security Minister Peter Phillips said that the single entity will co-ordinate all the Jamaica Constabulary Force's intelligence activities and will work closely with all other intelligence-gathering agencies in Jamaica. [36c]

**4.10** The USSD Report 2003 noted that on March 14 [2003], 2 years after the CMU shot and killed seven youths in Braeton, St. Catherine parish, Amnesty International (AI) issued a report of its own investigation into the incident, with the assistance of an independent U.K. firearms expert, stating that it found new evidence that supported the ongoing investigation of the case by the DPP. [8](p3)

**4.11** A news article dated 4 November 2003 reported that the Director of Public Prosecutions [DPP], Kent Pantry, ruled that six members of the Jamaican Constabulary Force be charged with the killings. The DPP's ruling followed his review of evidence presented during the lengthy coroner's inquest into the fatal police shooting. [44f] According to the USSD Report 2003, "The authorities brought charges against six police officers, and their trial was expected to begin in mid-2004." [8](p3)

**4.12** In May 2003 two men and two women in Crawle, Clarendon were fatally shot by police. Amnesty International reported on 15 May 2003, that "The community of Crawle in Clarendon, Jamaica have complained of police harassment and threats following what appeared to be the extrajudicial execution of the four people on 7 May [2003]. Police officers had reportedly constantly visited the community in unmarked vehicles in an effort to intimidate them and several eyewitnesses said that they would only be willing

to testify, if their safety could be guaranteed. [9d]

**4.13** It was confirmed on 2 June 2003 by the Police Commissioner Francis Forbes that the controversial Crime Management Unit (CMU) of the Jamaica Constabulary Gforce had been disbanded. Its leader, Senior Superintendent Renato Adams, had been taken off operational duties. Francis Forbes said that under Adam's leadership, the CMU had been dogged by controversy, including allegations of extrajudicial killings. [44d] Five members of the CMU, including Adams, were subsequently taken off frontline duty as police started their probe into the shooting." [44e]

**4.14** The disbanding of the CMU had been considered a victory for justice by the opposition (JLP). They had reportedly objected to the establishment of the CMU from the outset and have been among those calling for its disbandment for well over a year when reports of controversial killings began to mount. A report in the Kingston Jamaica Observer on 4 June [2003] stated that all killings of police officers will now be investigated by the new Organised Crime Investigating Division (OCID) an upgraded version of the Organised Crime Investigating Unit." [33a]

**4.15** Following the disbanding of the CMU in June 2003, the National Security Minister Dr Peter Phillips on 24 August 2003 stressed that there was no "quick fix" for solving worrying crime and violence in Jamaica. Phillips announced that that OCID would be upgraded and given more autonomy. The unit, which is a combination of the skills and human resources of three crime-fighting divisions, would focus on migratory pattern of crime. Phillips said much emphasis will be placed on curbing the movement of criminals across the country. [44j]

**4.16** Amnesty International welcomed the recent actions and undertaking by the Jamaican government to strengthen the investigation of police officers involved in fatal shootings. They said that the recent actions to help bring about police accountability are positive, welcome and give credibility to the government's statements that they seek to hold police officers to account in Jamaica. However, in their final analysis, there are only two criteria by which success can be judged: a significant drop in the number of those killed by police officers and the trial and conviction of officers for unlawful killings. [9c]

(For history prior to 1992 refer to the Europa World Year Book 2004 - 12<sup>th</sup> Edition) Source [1].

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## **General Election of 16 October 2002**

**4.17** On 16 October 2002, the People's National Party won the general election for the fourth consecutive term in office. This was also a record third consecutive term for Prime Minister Patterson. [21d] Election results showed that the PNP won 35 seats of the 60-seat legislature, against its main opposition party the JLP, which won 25 seats in the House of Representatives. [35] According to an article in the Jamaican Gleaner dated 18 October 2003, of just over 1.3 million electors on the register of voters, 745,585 or just over 57% voted. [34b] The Caribbean Media Corporation dated 12 October 2002, noted that on Friday 11 October 2002, nearly 20,000 members of security forces and election-day workers voted. [18f] The Caribbean Media Corporation dated 11 October reported that ballots were sorted by constituency and placed in a secure location until they could be

added to the general pool for tallying on the day of the election. [18e]

**4.18** As mentioned in the US Department of State Background Note dated January 2004, groups and organisations such as the Citizens Action for Free and Fair Elections (CAFFE) and supplemented by the Carter Centre helped reduce the violence that has tended to mar Jamaican elections. Former President Carter also observed the 2002 elections and declared them “free and fair”. [7](p3)

### **Political Violence & the Election Campaign**

**4.19** According to the Independent (London) newspaper, dated 17 October 2002, thousands of police and soldiers patrolled the streets in Jamaica on 16 October 2002 as voters streamed to the polls at the end of an election campaign overshadowed by a history of politically motivated gang violence. [56] There were differing accounts about how many people had been killed. [16b] [21a] A BBC report dated 14 October 2002 stated that more than 50 people had died across the island in the last two weeks and many of the killings are thought to have been politically motivated. [21a] According to an article in the Associated Press State and Local Wire, dated 17 October 2002, "There's less violence and less intimidation in this election," said voter George Ricketts, 68. "Things are looking up". [54a]

**4.20** According to the United States Department of State (USSD) Report 2003 issued 25 February 2004, "There were no reports of political prisoners in 2002." [8](p8)

**4.21** According to a BBC news article dated 14 October 2002, "In the run up to this year's [2002] elections, both Prime Minister Patterson and Edward Seaga have been preaching a message of peace and non violence amongst their supporters". [21a] According to a 12 June 2002 report by Reuters, "Jamaica's two main political leaders have signed a code of conduct they hope will ease violence and intimidation of party supporters as the Caribbean island heads toward elections by year's end." [16a] However, a report in the Observer (UK) dated 13 October 2002, states that "Many of the areas of the capital, Kingston, are in a state of war as armed gangs loyal to the two rival political parties - the ruling People's National Party and the opposition Jamaica Labour Party - launch attacks into each other's territory and candidates. Motorcades led by both Prime Minister P.J.Patterson and opposition leader Edward Seaga were fired upon in recent days". [20]

**4.22** A news article by the Caribbean Media Corporation stated that the "Police Commissioner Francis Forbes has accepted a recommendation by the Electoral Advisory Committee (EAC), which advises on electoral policy in Jamaica and the director of elections for a ban on political meetings, motorcades, rallies and tours in six constituencies. In a release issued on Tuesday [8 October][2002] afternoon the Commissioner also warned that he would not hesitate to ask that campaigns be banned in more constituencies to stem a recent upsurge in political violence. The constituencies in which campaigning was banned are Central Kingston, Eastern St Andrew, Central St Andrew, Central St Catherine, Central Manchester and Western St Thomas." [18f]



**4.23** According to the Observer newspaper (UK) published on 13 October 2002, "Although ostensibly political, much of the violence emanates from the 'garrison communities' known by their unofficial names which include Tel Aviv, Dunkirk and Southside in downtown Kingston, which are also home to the country's drug barons. And what is becoming clear is that many of the attacks are being funded by Yardie gangsters based in London. They are using money from the drug trade to disrupt elections and ensure their favoured candidates are brought to power." [20]

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## **5. State Structures**

### **The Constitution**

**5.1** 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. The Head of State is the British Monarch, who is locally represented by the Governor-General, appointed by the British monarch and approved by the Jamaican Prime Minister in consultation with the Leader of the Opposition party. [1](p548)

**5.2** The Constitution includes provisions in safeguarding the fundamental freedoms of the individual, irrespective of race, place of origin, political opinion, colour, creed or sex. [1](p548)

### **The Fundamental Rights and Freedoms**

**5.3** The fundamental rights and freedoms as mentioned in chapter three of the constitution includes:

- (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]

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### **Citizenship and Nationality**

**5.4** 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]

**5.5** The Governor-General is empowered to deprive citizens of Jamaica of their citizenship, persons who have acquired legal rights or the citizenship of another country by registration, naturalisation or other voluntary and formal act (other than marriage). [2][p3]

## **Political System**

**5.6** According to the USSD Report 2003, "Jamaica is a constitutional parliamentary democracy and a member of the Commonwealth of Nations." [8](p1) The Head of State is the British Monarch and is locally represented by the Governor-General. The legislature is bicameral and comprises the upper chamber or the Senate and the lower chamber or the House of Representatives. The Senate consists of 21 Senators, 13 of whom are appointed by the Governor-General on the advice of the Prime Minister and 8 by the Governor-General on the advice of the leader of the opposition. In the absence of an opposition leader, 8 independent Senators may be appointed to the Senate. The House of Representatives consists of 60 elected members called Members of Parliament. [1](p548)

**5.7** On winning a third term in office at the end of 1997, Prime Minister Patterson announced plans to make Jamaica a republic within five years, replacing the British monarch as Head of State with a ceremonial President. [5](p2260) At the PNP annual conference on 21 September 2003 Prime Minister Patterson repeated this. [61]

**5.8** 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 no fewer than eleven other ministers, not more than four whom may sit in Senate. The members of the Cabinet are appointed by the Governor-General on the advice of the Prime Minister. [1](p548)

**5.9** According to the USSD Report 2003, "Two political parties, the People's National Party (PNP) and the Jamaica Labour Party (JLP), have alternated in power since the first elections under universal adult suffrage in 1944. In the October 2002 general elections, Prime Minister P.J. Patterson's People's National Party (PNP) won 24 of the 60 seats in Parliament." [8](p1)

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## **Electoral Reform**

**5.10** In March 1992, the then Prime Minister Michael Manley announced his retirement on grounds of ill health, and in the ensuing party leadership election, Percival J Patterson, the former Deputy Prime Minister, emerged the

victor. Under Patterson's leadership the policy of stringent economic management continued, with the result that inflation lessened and the exchange rate stabilised. Conscious of his own popularity and factional disarray within the JLP, Patterson opted for an early election in March 1993, in which the PNP polled an overwhelming 60% of the votes, albeit on a low turnout. The election was to some degree marred by violence and allegations of irregularities, leading to the installation in 1996 of a computerised electoral register. The JLP's defeat also led to increased in-fighting among senior members and criticism of Seaga's leadership. [1](p539)

**5.11** According to an article in the Jamaica Gleaner dated 18 October 2002, "The US-based Carter Centre, which sent a team of international observers for the election [16 October 2002], also heaped praise on the EAC and the Electoral Office of Jamaica for a job well done." [34b] Another article in the Jamaica Gleaner dated 18 October 2002 stated that "The political leaders have praised the performance; and CAFFE, which had observers posted islandwide, told a press briefing yesterday [17 October 2002] that despite some incidents of violence and intimidation, the polling went relatively smoothly." [34c]

**5.12** An article in the Jamaica Gleaner newspaper dated 18 October 2002, reported that "The type of garrison politics that is practised in Jamaica is not seen anywhere else in the world, according to Jennifer McCoy, Carter Centre Director for Latin American and Caribbean Programme"...The Carter Centre representative said it was not all bad as she was satisfied with the progress made since the elections of 1993 and 1997, when "overt fraud" was evident. To this end, she praised the Electoral Office of Jamaica for taking steps to weed out political activists with freshly recruited election day workers who manned more than 7,200 polling stations islandwide in Wednesday's [16 October 2002] general election, that was won by the People's National Party. [34d]

**5.13** According to an article in the Associated Press dated 20 June 2003, "Jamaica's main opposition party scored an important victory Thursday [19 June 2003], winning control of 12 of 13 municipal councils in elections billed as a crucial popularity test for the government. With all ballots counted, the Jamaica Labor Party won 52 percent of the vote in races accompanied by isolated violence, electoral officials said. Thursday's election was the first electoral victory for the Jamaica Labor Party, led by former Prime Minister Edward Seaga. Prime Minister P.J. Patterson's People's National Party won 48 percent of the votes. [58] As reported in the Caribbean Media Corporation news dated 4 August 2003, "Following the 19 June [2003] local government elections, some 20 twenty people were killed during a flare-up of violence in lower Mountain View Avenue - one of the main thoroughfares connecting the capital with the Norman Manley International airport in the corporate area. Police were forced to introduce a curfew in sections of the community". [44b]

**5.14** According to an article in the Caribbean Media Corporation dated 6 August 2003, normal commercial activities resumed in the troubled community of lower Mountain View Avenue in eastern Kingston, following a heavy presence and a two-week-old truce among warring factions. Following peace talks on Tuesday [5 August 2003] with representatives of the PMI [Peace Management Initiative] the residents said they were confident that the

latest peace talks would result in agreements to settle disputes without violence. [44c]

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## Political Parties

**5.15** According to the USSD Report 2003, "The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in periodic elections on the basis of universal suffrage. All citizens aged 18 and over have the right to vote by secret ballot. However, voters living in "garrison communities" in inner-city areas dominated by one of the two major political parties face substantial influence and pressure from politically connected gangs and young men hired by political parties, which impede the free exercise of their right to vote. Although there is a history of political violence and killings in the period leading up to elections, the June 19 [2003] elections were less violent than previous elections. There were few reports of intimidation of voters and party agents." [8](p9-10)

**5.16** In a Jamaica Gleaner news article dated 18 October 2002, Jennifer McCoy, Carter Centre Director for Latin American and Caribbean Programme commenting on the 16 October 2002 election said that "Garrisons are political constituencies fiercely loyal to either the People's National Party or the opposition Jamaica Labour Party." Ms McCoy sought to explain the reasoning behind earlier comments by President Carter that garrison politics were a disgrace and a blot on Jamaica's image. His comments, she said, referred to the impact of the so-called garrison-type political organisation and the right of voters to cast their ballots freely and fairly to make their choice. [34d]

**5.17** The JLP's defeat in the 1993 election led to increased in-fighting among senior members and criticism of Seaga's leadership, with the result that in 1995 former JLP Chairman and finance spokesman, Bruce Golding, left the party to lead a new organisation, the National Democratic Movement (NDM). [1](p539) A report in Reuters press dated 13 October 2002 stated that "Bruce Golding, who left the JLP years ago, rejoined the party recently, leading to speculation he is in line to take over the leadership when Seaga steps down." [16b] However, according to the Jamaica Election website ([www.jamaicaelections.com/index.php](http://www.jamaicaelections.com/index.php)) the NDM did not win any seats in the general election. [35]

**5.18** The Imperial Ethiopian World Federation Party (I.E.W.F. Inc.) was officially launched on 16 July 1997 and first entered the Jamaican political arena in the 1997 General Election with 5 candidates. It was launched to represent the Rastafarian community in the Jamaican Parliament and the Grassroot people. [52] The IEW Inc took part in the general election on 16 October 2002 but failed to win any seats in the parliament. [35]

**5.19** The United People's Party was formed in 2001 by Antoinette Haughton. The growing impetus to break the political domination of PNP and its main political opposition JLP gave rise to formation of another new party, that of the Jamaica Alliance for National Unity (JANU), which was launched in 2002 by a group of church leaders. [13b]

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## Judiciary

**5.20** According to the USSD Report 2003, "The Constitution 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." [8](p7)

**5.21** According to the USSD Report 2003, "Three courts handle criminal matters at the trial level. Resident magistrates try misdemeanors. A Supreme Court judge tries more serious felonies, except for felonies involving firearms, which are tried before a judge of the Gun Court. 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. This appeal process resulted in frequent delays. The Constitution allows the Court of Appeal and the Parliament, as well as defendants in civil and criminal cases, and plaintiffs in civil cases, to refer cases to the Judicial Committee of the Privy Council in the United Kingdom as a final court of appeal." [8](p7) According to an article in the Latin American Press dated 19 March 2001, "Caribbean heads of Government have signed a landmark agreement to establish the long-awaited Caribbean Court of Justice (CCJ), in Jamaica several organisations, including the country's bar association, continue to oppose the regional judicial body. The new court will replace the British Privy Council as the court of last resort for the region". [13a]

**5.22** In November 2003 Edward Seaga renewed his proposal for a referendum on the model of government including the plans to supersede the Privy Council with the CCJ. [18c] According to an article in the Caribbean Media Corporation news agency dated 30 August 2003, "Jamaica's law association and the main opposition party the Jamaica Labour Party JLP have insisted that the Government hold a referendum on the issue." [44a]

**5.23** According to an article in the Latin American Press dated 19 March 2001, "The proposal [CCJ] has faced strong opposition from the Jamaica Bar Association and Jamaicans for Justice, a human rights organisation (LP, Feb. 14 2000)." "We feel it is inappropriate to sit in the audience and applaud when ... we don't feel it should be signed; we think it is premature," Derek Jones, President of the Jamaican Bar Association, said. Jamaican Attorney General Arnold Nicholson told the Senate that it was unfortunate that the Bar Association continues to oppose the court. Jones, however, said his organisation opposes not the concept of the court, but the way in which it is being established." The Bar Association insisted that the court should be included in the member countries' constitutions to ensure that succeeding governments are not able to withdraw. [13a]

**5.24** The Trinidad Business Guardian dated 9 May 2002, quoted Lex Caribbean as supporting the establishment of the Caribbean Court of Justice (CCJ) to replace the London-based Judicial Committee of the Privy Council..."It will mean more cases will be adjudicated upon at that level and vast amounts of money will be saved to pursue those cases, said De Nobriga Inniss & Co." Camacho [Managing partner of De Nobriga Inniss & Co] went on to say that "The Privy Council is very expensive, not only because of its geographical distance but the cost is very expensive to retain attorneys in England to have them file documents in the case, for example." [32]

**5.25** According to the Jamaican Gleaner dated 8 September 2002,

"Approximately 20 Supreme Court staff have been trained under the Legal Institutions component of the Social Conflict and Legal Reform Project (SCLR), to prepare them for a case and "caseflow" management under the Civil Procedure Rules and for a mediation pilot programme." [34] In September 2002 the Government introduced a New Civil Procedure Rule to improve the efficiency and management of the judicial system. [57]

**5.26** As reported on 5 February 2004 in the Jamaica Observer, Chief Justice Lensley Wolfe met with Police Commissioner Francis Forbes on Monday 2 February 2004 at the police chief's request, apparently to discuss the constabulary's wish for judges and magistrates to place limitations on gang members when they are granted bail. Forbes had told reporters on Friday [30 January 2004] that he wanted to explore whether there was anything in existing laws that would permit the application of such restrictions and the tests that the police would have to meet to satisfy the judges. [36m]

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**5.27** The police argue that gang members, who are out on bail, often engage in new violence and want this curfew option as part of their arsenal in the fight against crime. However, the 5 February 2004 Jamaica Observer report goes on to say "But in Parliament on Tuesday [3 February 2004], Opposition Jamaican Labour Party (JLP) members, Abe Dabdoub and Delroy Chuck, sharply criticised the chief justice for entertaining the police commissioner and suggested that it was part of a pattern of unacceptable behaviour, judicial or otherwise, by Wolfe." Wolfe has had a contentious tenure since he became the island's top judge in July of 1996. Dabdoub said that "the appearance of the independence" of the judiciary from other branches of the government "is crucial" and suggested that the Wolfe/Forbes meeting could suggest a blurring of the lines." [36m]

## **Legal Rights and Detention**

**5.28** The Constitution provides for the fundamental right to protection from arbitrary arrest and detention. [2]

**5.29** According to the USSD Report 2003 "The Jamaica Constabulary Force Act permits the arrest of persons "reasonably suspected" of having committed a crime. There were some reported incidents of arbitrary arrest during the year [2003], and the authorities continued to detain suspects, particularly those from poor neighborhoods, without bringing them before a judge within the prescribed period." [8](p5)

**5.30** According to the USSD Report 2003, "The law requires police to present a detainee in court within a reasonable time period, but the authorities continued to detain suspects beyond such a period, which the Government attributed to an overburdened court system that could not accommodate large numbers of such presentations in a timely manner ... Magistrates inquired at least once a week into the welfare of each person listed by the JCF as detained. There was a functioning bail system." [8](p5)

**5.31** According to the USSD Report 2003, "Defendants have the right to counsel. Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act. The Public Defender may bring cases for persons who

have had their constitutional rights violated. The Public Defender's Office contracted private attorneys to represent clients; however, funds were insufficient to meet the demand, and attorneys sometimes requested payment from clients." [8](p7-8)

## **Legal Aid**

**5.32** The human rights organisation Jamaicans for Justice stated in its "Jamaica Human Rights Situation report, 2003, that "The Legal Aid Authority struggles with a budget that is less than one third of what it needs to effectively represent all those who need legal aid. They also have great difficulty getting the police either to inform citizens of their right to counsel or to call the duty counsel when needed. In addition the Ministry of Justice has itself acknowledged the need for a "Proper streamlining of the Legal Aid System" and last year [2002] threatened to reduce the number of offences for which legal aid was available. [51a](p7)

**5.33** As reflected in the Jamaica Gleaner dated 27 January 2003, "Recently Jamaicans for Justice produced pamphlets about the Rights of Citizens. Entitled 'Respect yourself, Respect Others Know your Rights' the pamphlets were designed and printed with the assistance of grant funding from the Commonwealth Foundation and the German Embassy. What we now have available in house and being distributed islandwide are small wallet-sized documents packed with information which could prove useful for all citizens of Jamaica." [341]

**5.34** A revised second edition of the Code of Conduct for Police-Citizen Relations in Jamaica was launched on Tuesday 10 February 2004 by the Inner-City Development Committee of the Jamaica Chamber of Commerce. The revised edition now includes the rights of citizens and the responsibilities of the police in relation to 'night noises', 'finger printing', 'photographing', 'motor vehicles and the road code' and 'child abuse'. National Security Minister, Dr. Peter Phillips said that the document highlighted for all Jamaicans, "in the face of levels of criminal violence and crime, which are altogether too high," that the ultimate solution could be found in mutual trust and respect between police and citizens coupled with shared knowledge of the rights and obligations of each party. [62]

## **Death Penalty**

**5.35** Jamaica is on an Amnesty International list of countries, which retain the death penalty for ordinary crimes. [17]

**5.36** The Associated Press dated 12 August 2003, states that "The last hanging was carried out in 1998. Since then, 51 prisoners have been sentenced to death for murder, according to local rights groups." [54c] The report in the Associated Press dated 12 August 2003, stated that last year [2002], Prime Minister P.J. Patterson announced he would seek a constitutional amendment to resume hangings to combat violent crime on the Caribbean island. In 1979, legislators held the first vote of conscience on the issue, voting 24-19 in favour of retaining hangings. [54c] The Associated Press article dated 12 August 2003 goes on to say that "Efforts to resume hanging have been blocked, however, by the London-based Privy Council -- the highest court of appeals for several former British colonies. In 1993 the court ruled that keeping prisoners on death row for more than five years was



inhumane and that their sentences should be commuted to life in prison." [54c]

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## **Internal Security**

**5.37** According to the USSD Report 2003, "The Jamaica Constabulary Force (JCF) had primary responsibility for internal security, assisted by the Island Special Constabulary Force. The Jamaica Defence Force (JDF--army, air wing, and coast guard) was charged with national defense, marine narcotics interdiction, and JCF support. The JDF had no mandate to maintain law and order and no powers of arrest, unless so ordered by the Prime Minister. The Prime Minister occasionally gave the JDF powers to cordon and search. The Ministry of National Security oversaw the JCF and the JDF. Civilian authorities generally maintained effective control of the security forces; however, some members of the security forces committed human rights abuses." [8](p1)

**5.38** According to an article in the Caribbean Media Corporation dated 7 July 2002, in July 2002, "The Jamaican Defence Force is to assist the police in fighting crime on the island by adjusting its operations, the JDF Chief of Staff Rear Adm Hardley Lewin, has said". [18b] As reflected in an article in the Jamaica Observer on 13 November 2002 the Security Minister Peter Phillips said that both the Jamaica Defence Force (JDF) and the police were engaged in the highest levels of planning and preparation for duties under the new crime plan. The New Crime Plan, which was launched in November 2002, formalised the role of JDF in fighting crime in co-operation with JCF... "They are gathering the necessary intelligence in undertaking the necessary reconnaissance of the places where they have to go (search) and in training and re-equipping their troops with the tactical expertise necessary and with the determination to succeed." [36a]

For further details of the co-operation between JCF and JDF see below "The New Crime Plan" (see paragraphs 5.46 - 5.61).

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## **The Jamaica Constabulary Force (JCF)**

**5.39** According to the Jamaica Constabulary website ([www.jamaicapolice.org](http://www.jamaicapolice.org)) the Jamaica Constabulary Force was established in the aftermath of the Morant Bay Rebellion in 1865. The JCF retained its semi-military character and comprises a system of gazetted and non-gazetted ranks. The Officer Cadre (gazetted rank) are drawn from Jamaican Officers who have been promoted through the ranks from constable. [37a](p1)

**5.40** Within the JCF, there were a number of key groups. As reported in an Amnesty International report dated 10 April 2001 "Killings and Violence by Police: How many more victims?" a special unit was established by the Prime Minister in September 2000, in response to demands for action on crime from the business community. It was reportedly the 13<sup>th</sup> such special unit established since 1976." [9b]

**5.41** According to the same website ([www.jamaicapolice.org](http://www.jamaicapolice.org)), the Force is responsible for the maintenance of law and order, prevention and detection of crime, the protection of life and property, the investigation of alleged crime, and the enforcement of all Criminal Laws. The Commissioner of Police is responsible to the Minister of National Security for the Command and



Superintendence of the Force. He administers this responsibility in accordance with a chain of command through which all communication and correspondence are normally channelled. Senior Management groups are also formed to complement the Office of the Commissioner. Management groups are organised into activities described as the following portfolios: Administration and Support Services, Operations, Crime, and Special Projects. [37a](p2)

**5.42** In his undated foreword to the adaptation of the Jamaica Constabulary Force's Five (5) year Corporate Strategy, formatted for the World Wide Web statement of the Corporate Strategy of the JCF, Commissioner of Police, Francis Forbes, said "Our commitment to 'Serve Protect and Reassure' the people of Jamaica and its visitors was heralded some 3 years ago. Since then the Jamaica Constabulary Force has felt in a state of continuous crisis, coping with the many demands upon us. It has been a reactive, Fire Brigade, style of policing." He went on to say "I am determined to break this reactive spiral and pursue proactive policing methods which will gain the support of the public, support which we need to be truly effective." [37b](p1-3) According to an article in the Gleaner dated 10 December 2002, December 2002 saw the official launch of police courtesy week under the theme "Police and Community in partnership for a safe Jamaica". [34g]

**5.43** According to the USSD Report 2003, "The Jamaica Constabulary Force falls under the direction of the Ministry of National Security. It is headed by a Commissioner who delegates authority through the ranks to its constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. Generally, the JCF was effective, although corruption and impunity were problems. In June [2003], the Government dismantled the controversial police Crime Management Unit after another incident [Crawle - section 6.23 - 6.31] in which citizens were killed by police during an alleged shootout." [8](p5-6)

**5.44** According to a report in the Caribbean Media Corporation news dated 2 June 2003, the Police Commissioner Francis Forbes on Monday [2 June] confirmed media reports that the controversial Crime Management Unit (CMU) of the Jamaica Constabulary Force had been disbanded and its leader, Senior Superintendent Renato Adams, pulled from operational duties. [44d] (For more information on the CMU please refer to paragraphs 6.23 - 6.31)

**5.45** Since February 2003, plans were being formulated for a major restructuring of the JCF. As reported in the Financial Times dated 14 February 2003, "Plans are being formulated for a major restructuring of the Jamaica Constabulary Force (JCF) including new guidelines to deal with the problem of corruption within the service", Police Commissioner Francis Forbes has said. "In addition, the JCF is drafting a new training manual and the establishment of training units across the island and the retraining of trainers." He said that "members of the force would have to undergo annual training and certification for the use of firearms as it moves to modernize its operations." [18a]

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### **The New Crime Plan**

**5.46** As reported in the Jamaica Observer dated 13 November 2002, "Security Minister said yesterday [12 November 2002] that the national crime plan will be launched within six weeks, but declined to give a definite date for the

launch, claiming he would be giving away something operational. He said the basic purpose of the plan was to dismantle criminal groupings of a paramilitary nature which have been wreaking havoc on communities". [36a]

**5.47** The Jamaica Gleaner newspaper in November 2002, reported that "According to Police Commissioner Francis Forbes, the intelligence capability of the police force has been greatly improved and the police personnel focussing on organised crime, gangs and other groups are now preparing a list of names as well as arrest and search warrants which are expected to assist the police when the new initiative is launched". [34e]

**5.48** The Jamaica Observer dated 23 November 2002, reported that the United Kingdom will be assisting the Jamaican police to set up a National Intelligence Bureau, which will co-ordinate the operations of all intelligence units within the constabulary. "The single entity will co-ordinate all the Jamaica Constabulary Force's intelligence activities and it will work closely with all other intelligence-gathering agencies in Jamaica," Security Minister Peter Phillips said yesterday [22 November 2002] at the Jamaican High Commission in London. [36c]

**5.49** The Jamaica Observer dated 4 December 2002 reported that Security Minister Dr Phillips said the security forces were prepared to stay in volatile communities for as long as it takes to 'break the back' of criminal gangs and end the orgy of violence that has paralysed the country. The crime plan will also encompass a broad-based poverty reduction programme and a slate of legislative reforms. [51b]

**5.50** The same article in the Gleaner noted that "Essentially the new anti-crime thrust will rely heavily on the military working with the police to flush out the criminals, many of whom are involved in drug trafficking ... The security forces will also be involved in the removal of derelict buildings; a general clean up of communities and the building of community sports facilities." [51b]

**5.51** According to an article in the Jamaica Observer dated 15 December 2002, the security forces took their anti-crime initiative with its curfews and premises-by-premises search for guns and criminals, to the Central Kingston community of Southside yesterday [14 December 2002]. Southside is a pocket of strong support for the Jamaica Labour Party (JLP) in a constituency that votes substantially for the ruling People's National Party (PNP). In the weeks leading up to the October 16 [2002] elections, there were constant conflicts between gangs from Southside and nearby Tel Aviv and Matthews Lane, areas which are predominantly PNP. [36b]

**5.52** As reflected in an article in the Jamaica Gleaner dated 13 January 2003 Jamaicans for Justice stated that "It is, however, becoming increasingly obvious to observers of the Jamaican situation that no serious forward movement can [sic] be achieved on that other major challenge, the national war on crime, without extensive change in how the country is governed. For, in a winner-takes-all system, one political party cannot disarm its followers without committing political suicide. In a system based upon unbridled political rivalry, Machiavellian levels of political dishonesty, and a constant competition to inherit the leader's [sic] seat, even when the leader is still alive, no strong political leader can afford to blink". [34k]

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**5.53** However, as reported in the Jamaica Gleaner newspaper dated 31

January 2003, "Despite some negative feedback, Dr Peter Phillips, National Security Minister, remains optimistic that the latest anti-crime plan announced by Prime Minister P.J. Patterson on December 1 last year [2002] will be a success. He reiterated that it will remain in place for as long as it takes to break the back of the crime wave which left more than 1,000 persons dead last year [2002]." Dr Phillips said "The difference this time around ... was the multi-faceted approach taken by the Government in tackling the problem, emphasis is also being placed on the economic and social transformation of the inner-city communities in which the bulk of the crime takes place." [34h]

**5.54** The report in the Gleaner dated 31 January 2003 went on to say Dr Phillips then said "The current strategy involves the deployment of the security forces for long periods in the volatile areas. Sections of Hannah Town in West Kingston and Tavares Gardens (Payne Land) in South West St Andrew have remained under curfew since December 1 [2002] when the initiative was launched. The impact was almost immediate as there was significant reduction in major crimes in these areas. The Gleaner newspaper of the same date said "Among the initial successes of the new initiative were the recovery of more than two dozen guns, several rounds of ammunition and the detention of several wanted men. But, while there have been successes, there are no reports that gangs that were targeted have been disbanded. The Minister has admitted that the economic and social profile of the country had to change [sic] before crime is brought down to tolerable levels." [34h]

**5.55** Following the disbanding of the CMU in June 2003, an article in the Caribbean Media Corporation news dated 25 August 2003, reported that the National Security Minister Dr Peter Phillips Sunday [24 August][2003] stressed that there was no "quick fix" for solving worrying crime and violence in Jamaica, even as announced that the recently formed Organised Crime Investigating Division (OCID) would be upgraded and given more autonomy. Phillips said that the unit, which is a combination of the skills and human resources of three crime-fighting divisions, would focus on migratory pattern of crime. "This is a new challenge to both the security forces and communities that up to now were not associated with crime ... "Much emphasis will be placed on curbing the movement of criminals across the country," said Phillips. [44j]

**5.56** According to the USSD Report 2003, "On May 7 [2003], members of the JCF's Crime Management Unit (CMU) killed two men and two women at a home in Crawle, Clarendon. The JCF officers involved claimed that they returned fire after someone in the home shot at them; however, witnesses to the incident disputed this claim. These allegations led to the disbanding of the CMU and the reassignment of its Senior Superintendent to a desk job. The JCF Commissioner requested foreign assistance in investigating the incident. London's Metropolitan Police Service sent detectives to investigate. On 30 October 2003, they submitted a report to the Department of Public Prosecutions (DPP), where it remained at year's end [2003]." [8](p2-3)

**5.57** The Caribbean Media Corporation article dated 25 August [2003] noted that in an address to the nation, Dr Phillips also responded to criticisms of the government's response to the crime situation and the recent debate over comments by Police Commissioner Francis Forbes that the crime plan initiative by the police had not met its target. He [Dr Phillips] pointed to accomplishments of the security forces and crime statistics, which show that

major crimes were down by nearly 30 per cent during the first three months of this year [2003]. However, during April, June and July [2003], there were sharp increases, which virtually erased the gains in the statistics of the first three months, Dr Phillips said. The national security minister further noted that during the month of August [2003] major crimes were down by 11 per cent and murders, by 3 per cent. "The highest number of murders occurred in June [2003], in the week of the local elections," he said. [44j]

**5.58** The same article by the Caribbean Media Corporation noted that up until August 2003 the murder rate stood at 605 since the start of the year [2003] with the murders of 10 persons occurring within a 36-hour period over the weekend of the 23 - 24 August 2003. This figure is four more than the figure recorded for the same period the previous year [2002]. "The OCID, headed by a senior superintendent of police, is to be equipped with its own resources and would incorporate the fugitive apprehension and gang intelligence units", Phillips said. In addition, it would include six sub-teams, headed by senior police personnel, targeting criminal gangs and other areas such as carjacking; illegal firearms and ammunition; sex crimes, as well as data processing and cyber-crime investigation. Phillips also announced that closed circuit cameras will be used as a crime fighting tool in sections of the corporate area. [44j]

**5.59** On 4 January 2004, the Jamaica Information Service reported that on 7 December 2003, in his Broadcast to the Nation by the Minister of National Security Dr The Hon. Peter Phillips as saying "Last Monday [1 January 2004] marked exactly one year since we changed our crime-fighting strategy and launched a new anti-crime initiative with four specific objectives: Apprehend the criminals and break up the gangs; Improve relations between the communities and the Security Forces; Improve social conditions in specifically targeted communities; Encourage the public to support the fight against crime. Tonight, I wish to report to you on how we are doing with the anti-crime initiative and tell you about some of the additional things we'll be doing in the New Year to build on the gains we have made so far." [24a]

**5.60** In the broadcast Dr Phillips went on to say "So, how are we doing? The truth is that the question is not as easy as it sounds. If I answer with just statistics, they would show a pretty sizable [sic] drop in five of the seven major crimes for which we keep careful and accurate figures. Compared to this time last year [December 2002], murder is down 10 percent; shooting down 13 percent; robbery down 22 percent; breaking-in down 26 percent and larceny down 28 percent. Two other major crimes continue to be of concern - rape remains at the same level as last year [2002] and carnal abuse is actually 28 percent higher". [24a]

**5.61** He said "I cannot honestly look you in the eye and say the crime situation will be solved overnight because the problems of crime and violence are complex, needing a sustained and integrated solution. However, what I can say is that the trend is in the right direction despite the challenges and occasional set-backs." [24a]

## **Prisons and Prison Conditions**

**5.62** According to the USSD Report 2003, "Prison conditions remained poor; overcrowding, inadequate diet, poor sanitary conditions, and insufficient medical care were typical. There were no reports of prison riots. The majority

of pretrial detainees were held in police lockups. The new Horizon Remand Center, placed under JDF control in 2002, received prisoners, which relieved some overcrowding. However, due to construction problems and staffing shortages, the facility could not receive its full capacity of 1,026 prisoners. A separate prison for women--the Ft. Augusta Women's Prison--was housed in a 19th century fort. Sanitary conditions were poor, although far less so than in the men's prisons because there was less overcrowding. Ft. Augusta was also relatively safer and had less violence than the men's prisons. However, inmates at Ft. Augusta complained of beatings by guards" ... "The Constitution prohibits the incarceration of children in adult prisons; however, in practice some juveniles were held with adults. On July 16 [2003], Jamaicans for Justice, a local human rights nongovernmental organization (NGO), released a short report citing incidences of rape, statutory rape, beatings, use of physical restraints, and harsh punishment against children housed in state-run "places of safety."" [8](p4-5)

**5.63** According to the USSD Report 2003, "During the year [2003], at least five detainees died while in police lock-ups; some of the deaths involved negligence." [8](p3)

**5.64** According to the USSD Report 2003, "In January [2003], the U.K. Privy Council upheld a 2000 Court of Appeals ruling that it was unconstitutional for juveniles to be held "at the Governor General's pleasure." At year's end [2003], the proceedings brought by the Public Defender seeking compensation from the Government for a prisoner who died in March 2002 at Mandeville police station as a result of being beaten by other prisoners were still pending." [8](p5)

**5.65** According to the USSD Report 2003, "At year's end [2003], two 2002 cases of prisoners in Bull Bay and Manchester police lockups who died in police custody were still under investigation." [8](p5)

**5.66** According to the USSD Report 2003, "In general, the Government allowed private groups, voluntary organizations, international human rights organizations, and the media to visit prisons and monitor prison conditions." [8](p5)

## **Military Service**

**5.67** According to War Resisters' International 1998, conscription has never existed since independence was achieved in 1962. There is no legislation providing for conscription. The legal enlistment age is between the ages of 18 and 24. [27]

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## **Conscientious Objection**

**5.68** 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**

**5.69** Desertion is punishable by up to two years' imprisonment in peacetime. In wartime desertion is punishable by firing squad execution. [27]

## **Medical Services**

**5.70** The health system offers primary, secondary and tertiary care. Secondary and tertiary care are offered via 23 government hospitals and the teaching hospital of the University of the West Indies, with a combined capacity of 4,802 beds. The Pan American Health Organisation, in its 2002 country profile of Jamaica, and has summarised the healthcare system thus: "Jamaica has developed a large and complex public network of primary health care centres and hospitals around the country, offering an extensive array of services, frequently for free or below cost. The rising costs of health care resources, which are largely imported and devaluation of the Jamaican currency have widened the gap between available and required resources. In response to this situation, the Government is engaged in health sector reform with the assistance of several technical co-operation agencies." [42]

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**5.71** According to the same country profile by the Pan American Health Organisation, in 1997, the Government proposed a National Health Insurance plan to offer coverage for a defined set or package of hospitals, laboratory, diagnostic, and pharmacy services. Private sector health services were provided through an extensive network of professionals offering specialist services, and by family doctors throughout the island. A number of NGOs provide health services for a nominal fee. Rehabilitation services in the public sector included physiotherapy, social work, speech pathology and occupational therapy. [42]

**5.72** According to the Ministry of Health in Jamaica's Health Services Profile the 1997 National Health Services Act provided for the implementation of the reform of government health services in Jamaica. The Act essentially decentralised the management of the health services by creating four semi-autonomous regional bodies named the Regional Health Authorities (RHA's). The RHA's have direct management responsibility for the delivery of health services within a geographically defined region. [41]

**5.73** The Ministry of Health established the Standards of Regulation Division in 1999. The Division developed standards for maternity centres and nursing home staff; protocol for the management of chronic diseases were developed and a criterion-based clinical audit was introduced to survey the competence of health professionals in the management of major obstetrical emergencies. [42]

**5.74** An article in the Jamaica Observer dated 9 March 2004, noted that on 8 March 2004 the University Hospital of the West Indies (UHWI) opened its newly refurbished obstetrics and gynaecology ward. At the opening the Chief Executive Officer Stephannie Reid immediately announced plans to upgrade the accident and emergency department and build a new operating theatre and intensive care unit. [360]

**5.75** Medical treatment for children is provided for at the Bustamante Hospital for Children. The hospital draws its patients from the whole island and, occasionally, from some Caribbean neighbours. It is the only Children's



Hospital in the English speaking Caribbean, and caters to patients from birth to twelve years old. It provides preventative, curative, emergency, rehabilitative and ambulatory services in paediatric medical and surgical specialties and sub-specialties. It has a capacity for 250 beds, including a six-bed Intensive Care Unit. [14]

**5.76** According to the Pan American Health Organisation 2002 country health profile on Jamaica, there is only one specialised health insurance provider that offers individual and group plans. Life insurance carriers also provide group health plans. [42]

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### **The National Health Insurance Programme (NHIP)**

**5.77** According to the undated National Health Insurance Green Paper, 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 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. The key features of the NHIP are Universal Coverage, Service Package, Mandatory Health Insurance, Choice of Insurer, Choice of Service Provider, Catastrophic Care and Management. [47](p1-2)

**5.78** The NHIP will cover a range of services in the public and private sectors. The providers of services are likely to include the following: Public Hospitals, Private Hospitals, Public Health Centres, Private Pharmacies, Public Dispensaries, Private Diagnostic Centres, Public Laboratories and Private Laboratories. [47](p9) 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. [47](p8)

**5.79** As reflected in an article in the Jamaica Observer dated 13 March 2003 the Government was expected to launch its \$2.5-billion national health fund (NHF) in April 2003 as it moved to tackle the problem of chronic diseases and to upgrade the island's public sector health-care system. The Health Minister John Junor told the Observer on 12 March 2003 that the fund would get financial support from the National Insurance Scheme. [36n]

**5.80** The National Health Fund was officially launched on Friday, November 28, 2003 by the Prime Minister, Most Hon. P.J. Patterson. The Prime Minister, in his speech commended the Minister of Health, and CEO of the NHF for their hard work in getting the NHF started. In expressing his confidence in the success of the NHF the Prime Minister said, "As we embark on this new phase in the provision of health care services to our people, I have every confidence that the National Health Fund will make a significant difference to the health and well being of our people, with all the resulting social and economic benefits". [28]

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### **HIV/AIDS**

**5.81** According to the Jamaica Information Service, last updated 5 March

2004, the country's Health Ministry has been trying to get a message of "protect yourself" across to the population since the first case of AIDS was reported in the island in 1982. The disease has now become the second leading cause of death in the country for men and women in the age group 30-39 years, with approximately 1.5 per cent of the adult population estimated to be HIV positive. In the year 2000, 12 persons were reported to have died of AIDS in Jamaica every week. [24b](p1-2)

**5.82** According to the Jamaica Information Service, last updated 5 March 2004, "Statistics indicate that the disease is most prevalent in the heterosexual population, which accounts for about 61 per cent of all infections, 25 per cent of transmission have not being determined, 6 per cent credited to the homosexual population, while there are no reports of transmission from intravenous drug use. Health workers have also found a high infection rate among commercial sex workers and persons with a history of sexually transmitted infections." [24b](p1-2)

**5.83** Since 1995, new infections have been increasing sharply among adolescent females who have three times higher infection rate than males of the same age group. Researchers claim that poverty, ignorance, early sexual experience with older men and embarrassment to seek advice on protection is responsible for the increase among adolescent females. [24b](p1-2)

**5.84** According to the Jamaica Information Service, the Government from as early at 1988, put a number of measures in place to stem the transmission of the disease, including the establishment of a National HIV/Sexual Transmitted Disease (STD) Prevention and Control Programme, which is a comprehensive integrated disease prevention, health promotion programme directed towards behaviour change in individuals. [24b](p1-2)

**5.85** The National AIDS Committee [NAC] - [www.nacjamaica.com/about\\_nac/index.htm](http://www.nacjamaica.com/about_nac/index.htm) Jamaica website (accessed 5 March 2004) states that the NAC has four main functions; 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. [45d]

**5.86** The NAC website <http://www.nacjamaica.com/organizations/local.htm> notes that there are a number of local organisations working with AIDS and HIV. See source [45a] for a list containing their names, addresses and telephone numbers. [45a]

**5.87** The National AIDS Committee Jamaica issued a report stating the reported AIDS cases in Jamaica showed a minimal increase in the first half of 2002 compared to the year 2001. A total of 511 new AIDS cases were reported. [45c]

**5.88** In August 2003, The United Nations Family Planning Association (UNFPA) announced that Jamaica and Surinam would be benefiting from a US \$2.1m agreement signed between the European Commission, UNFPA



(United Nations Population Fund) and the Surinam Government. The Jamaican-based representative of UNFPA said that the three-year project will be placed on the reduction of maternal mortality as well as HIV/AIDS prevention among people in rural and urban settings, especially the marginalised and disadvantaged. [44g]

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## **HIV/AIDS Sufferers**

**5.89** According to an article in the Global Information Network, IPS Newsfeed dated 28 August 2002, Jamaica's Health Minister John A. Junor stated in public that "discrimination and stigmatisation" has resulted in job losses and violence against people battling with AIDS. The island's chief medical officer, Peter Figueroa, has admitted that stigma and discrimination drive people underground. "If we are to address the epidemic we have to be able to accurately gauge the number of HIV cases across the island," he said. In 2001, the Jamaica National Aids Committee proposed changing some 20 laws that activists said discriminated against people affected by HIV/AIDS. The head of Jamaica Aids Support (JAS), Ian McKnight said "The proposals are about the expansion of the Public Health Act to cover care, support and prevention of HIV/AIDS. It is about care and support for those with the disease and prevention for those without." But the proposals are far-reaching in a country where being HIV-positive could mean losing one's home, family or even life, due mainly to the threat of violence. As a result, many people refuse to take the HIV test. In fact, one-third of all HIV/AIDS cases are diagnosed after death, says the health ministry. [15a]

**5.90** According to the USSD Report 2003, "Violence against individuals suspected or known to be homosexuals occurred, as did violence and discrimination against persons living with HIV/AIDS." [8](p2)

**5.91** A report in the Jamaica Observer reported on 5 April 2003, a University of the West Indies' professor asserted that Jamaica and the Caribbean should adopt legislation to ensure that people infected with HIV/AIDS are not discriminated against in the workplace. Rose-Marie Belle Antoine, a lawyer and lecturer at the University of the West Indies said "Laws are needed not only to ensure that infected persons get jobs but that they are able to retain them." [36a] Following this on 10 April 2003, the Ministry of Health's National HIV/STI Control Programme (NCHP) formally forged a media alliance and launched a campaign to remove the stigma associated with HIV/AIDS virus. Dubbed "Live Positive" the campaign will essentially seek to create a more supportive environment for people living with HIV/AIDS – more commonly known as PLWA. [36e]

**5.92** The National AIDS Committee (NAC), is a private NGO established in 1998 by the Ministry of Health to co-ordinate the national multi-sectoral response to the AIDS epidemic in Jamaica. The NAC has strong links with the National HIV/STI Control Programme (NCHP), representatives from both private and public sector organisations, NGOs and community based organisations (CBOs). [19a]

**5.93** A summary of organisations working with HIV/AIDS can be found on the following internet link ([www.nacjamaica.com/organizations/summary.htm](http://www.nacjamaica.com/organizations/summary.htm)) [19b].

## **Availability of Anti-retrovirals**

**5.94** The National Aids Committee has published a comprehensive list of medication available in Jamaica for treatment of HIV/AIDS. See source [45b] for this list.

**5.95** A survey published by the Pan American Health Organization indicated that the price of anti-retroviral therapy in Latin American and Caribbean countries, including Jamaica, dropped up to 54% in the year 2001-2002. [43a] According to this report, the cost to Jamaica's Ministry of Health of purchasing the antiretroviral combination 3TC+AZT+EFV was \$1226.40 in May 2002, one of the lowest prices in Latin America and the Caribbean. [43b]

## **Mental Health Care**

**5.96** According to the Department of Health and Substance Dependence, WHO, Geneva; 2002 Country Profile, Jamaica has a Mental Health Act. Under the new Mental Health Bill, provisions have been made for the admission of patients, whether voluntary or involuntary, and the designation of psychiatric facilities for the mentally ill. Mental health facilities include disability benefits for persons with mental disorder, care provisions in the primary health care system, and actual treatment of severe mental disorders in primary care. [48] According to the Pan American Health Organisation, in 2000 schizophrenia accounted for 49 percent of patients seen at mental health clinics in Jamaica. [42]

**5.97** According to the Division of Health Systems and Services Development (HSP) 2000 - 2001, published in August 2002, Jamaica has several post basic programs in psychiatric nursing offered by the Ministry of Health. Mental health officers are trained to deliver comprehensive mental health services in a continuum of care-home, community, health center, psychiatric hospital, and general hospital. The programs are made available to all persons in the Caribbean and are offered based upon needs in the system. [22]

**5.98** For a list of therapeutic drugs available in Jamaica see the source [48]

**5.99** According to the survey carried out by the WHO in 2002, primary care, including mental health care, is performed by more than 1200 general practitioners across the island. They refer the more serious cases to psychiatrists. [48]

**5.100** Continuity of public policy and fiscal support has ensured the ongoing development of the island's community mental health services. The National Community Mental Health Service relies on trained psychiatric nurse practitioners who provide crisis management, medication, supportive psychotherapy, and make home visits. More patients are treated within the community than in hospitals. [48]

## **Cardiac Disease and Treatment**

**5.101** In addition to the general and specialist treatment and referral units within the public health service, the Jamaica Foundation for Cardiac Disease

(JFCD) is a non-profit making NGO that has promoted and supplemented cardiac healthcare since 1994. [49] The JFCD has developed a good reputation for facilitating subsidised and free heart surgery, particularly for children. [15b]

## **Educational System**

**5.102** According to the Europa Regional Surveys of the World 2004, primary education was compulsory in certain districts, and free education was ensured. The education system consists of a primary cycle of six years, followed by secondary cycles of three and four years, respectively. [1](p556) At the end of the primary cycle, pupils sit the National Assessment Programme, which is the basis of selection for the secondary education. Secondary schools provide a programme of maximum of seven years which leads to the Caribbean Examinations Council Secondary Education Certificate after 5 years and GCE Advanced 'A' levels after a further 2 years. [23]

**5.103** Higher Education comprises two stages of study. The first stage is the undergraduate level, which after 3 years leads to the Bachelor's Degree. The second stage leads to higher degrees. [23]

**5.104** According to the Europa Regional Surveys of the World 2004, in 1990 an estimated 1.6% of adult population had received no schooling and in 2000 an estimated 13.3% of the population was illiterate. [1] In a Statement on Jamaica Adult Literacy Survey 1999 by Hon. Minister of Education, Youth and Culture, Burchell Whitman noted that there were high levels of illiteracy in some rural parishes and an unsatisfactory percentage (15.3 %) of all adults were characterised as 'basic literate'. There were 7.4% illiteracy and 8% basic illiteracy among the 15 – 19 age group. On the whole, the data demonstrated that a large proportion of adult Jamaicans were effectively excluded from full participation in some of the more complex demands of the modern society. [38]

**5.105** According to a Caribbean Media Corporation article on 13 August 2003, the Ministry of National Security in Jamaica launched a 10m Jamaican dollar scholarship programme aimed at getting young people back to schools and away from a life of crime. The project is being administered through the Youth Initiative Against Crime and Violence to provide educational support to youths at risk, including those on the streets, in juvenile institutions, in the inner city or who have been abandoned. [44h]

**5.106** In July 2003, the Government announced plans for a School Fee Assistance Programme, which will benefit 105,000 of Jamaica's poorest high school students. From September 2003 students will have their fees paid in part or whole by the Government. According to officials, of the students who will receive the fee support, about 38 percent of them - 40,000 - are covered by the Government's anti-poverty initiative. [36f]

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## **6. Human Rights**

### **6A. Human Rights Issues**

#### **General**

**6.1** According to the US State Department Report on Human Rights Practices (USSD) Report 2003, "The Government [of Jamaica] generally respected the human rights of its citizens; however, there were serious problems in some areas. Members of the security forces committed unlawful killings. Mob violence against and vigilante killings of those suspected of breaking the law remained a problem. Police and prison guards abused detainees and prisoners. Although the Government moved to investigate incidents of police abuses and punish some of those police involved, continued impunity for police who commit abuses remained a problem." [8](p1-2)

**6.2** According to the USSD Report 2003, "Prison and jail conditions remained poor; overcrowding, brutality against detainees, and poor sanitary conditions were problems. There were reports of arbitrary arrest and detention. The judicial system was overburdened, and lengthy delays in trials were common. Violence and discrimination against women remained problems [in 2003]. There were cases of societal discrimination against persons with disabilities, while treatment of members of the Rastafarian religion improved. Violence against individuals suspected or known to be homosexuals occurred, as did violence and discrimination against persons living with HIV/AIDS. Child labor was a problem, as was trafficking in persons." [8](p2)

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**6.3** According to the USSD Report 2003, "The JCF [Jamaica Constabulary Force] 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 Police Federation conducted lectures to educate policemen in citizens' rights. The Government, the Independent Jamaica Council for Human Rights, and foreign governments developed human rights materials to be used in all subjects at the primary and secondary levels, which were being tested in selected classrooms at year's end [2003]. Part of the test involved 1,000 coloring books, depicting human rights and corresponding responsibilities, distributed to two primary schools in the Kingston area." [8](p6)

### **Human Rights Monitoring**

**6.4** The Report of the Special Rapporteur on Extrajudicial, summary or arbitrary Executions, dated 26 September 2003 referring to the mission of 17-27 February 2003 states that " With regard to its legal observations under international human rights law, Jamaica is a State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Jamaica has also signed but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and Child pornography. In 1998 Jamaica withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights. In addition, within the context of the Organization of American States, Jamaica is a State party to the American Convention on Human Rights." [12](p8)

**6.5** The USSD Report 2003 noted that "A number of human rights groups

operated without government restriction, investigating and publishing their findings on human rights cases, and government officials generally were cooperative and responsive to their views. The Independent Jamaica Council for Human Rights was the country's only formal organisation concerned with all aspects of human rights. The NGO Jamaicans for Justice, created in 1999 in response to concerns about police impunity, focused on the issues of extrajudicial killing and excessive use of force by the police and wrote a weekly newspaper column. Jamaicans for Justice reported that undercover police regularly attended its meetings; nevertheless, the group professed to have a cordial relationship with the police and sat on two of the police consultative boards." [8](p10)

**6.6** Amnesty International in their report entitled "Essential actors of our time" 2003, stated that "Amnesty International wrote to the Jamaican government three times during the period 2000 to 2003 regarding repeated statements by top government and public officials portraying human rights workers as "enemies of the police force" and insinuating defenders are in league with criminal gangs. In July 2002, the organisation requested the Minister for National Security to clarify whether it was official government policy to regard human rights groups as sanctioning criminality, following comments by the Head of the Crime Management Unit that "criminals have infiltrated civil rights groups." Amnesty International received no reply." [9a](p10)

**6.7** According to The Independent Jamaica Council for Human Rights (1998) Limited (IJCHR) website [www.ijchr.com/information.htm](http://www.ijchr.com/information.htm), they are based in Kingston and formed in 1968. It is the oldest human rights NGO in the Caribbean. The Council is non-partisan and non-sectarian. Its membership is open to all persons who subscribe to the Universal Declaration of Human Rights and support the aims and objectives of the IJCHR. The Council pursues the protection and promotion of human rights through advocacy, public education and legal aid and assistance. The Council is dedicated to achieving respect for human rights, greater mutual tolerance and less abuse of the vulnerable in society. [31a]

**6.8** As reported in an article in the Caribbean Media Corporation news dated 10 December 2003, "The Police High Command and its affiliate groups signed a Memorandum of Understanding (MOU), launching a number of policies to deal with anti-corruption, police use of force and human rights. A government statement said that the new initiative is aimed at reforming the Jamaica Constabulary Force (JCF) and "fostering a more harmonious relationship between members of the society and the police". It said "that the MOU is the first ever to be signed between the Police High Command and its affiliates."" [44i]

**6.9** According to an undated Jamaicans for Justice report (accessed 24/02/04, "Jamaica's Human Rights Situation", "Human Rights defenders in Jamaica face a number of problems and dangers, both organizationally and individually. Organizations have been subject to telephone threats (including death, bodily harm) from anonymous callers and alleged political party supporters. They also face verbal police harassment, inordinate difficulty getting charitable status/tax exemption which other NGOs are able to get, and on occasion slander from government officials including the Commissioner of Police force and the Chairman of the Police Federation." [51a](p9)

## **The Security Forces and the Human Rights Apparatus**

**6.10** As reported in the USSD Report 2003, "The Jamaica Constabulary Force falls under the direction of the Ministry of National Security. It is headed by a Commissioner who delegates authority through the ranks to its constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. Generally, the JCF was effective, although corruption and impunity were problems. In June [2003], the Government dismantled the controversial police Crime Management Unit after another incident in which citizens were killed by police during an alleged shootout." [8](p5-6) (For more information see Section 6.23 - 6.31)

**6.11** The Gleaner reported in an article on 11 December 2002 that "The Opposition Jamaica Labour Party (JLP) yesterday refused to support an amendment to the Defence Act that would give the Jamaica Defence Force (JDF) soldiers similar powers to those enjoyed by the members of the Jamaica Constabulary Force (JCF)" ... "If approved, the move would give soldiers the authority to search premises and apprehend persons regardless of whether members of the police force are present. The Bill sought by way of an amendment to section 9 of the Act, to introduce the words: and have all such powers as may lawfully be exercised."... "Opposition Leader Edward Seaga lashed at the government at the haste with which it was attempting to amend the legislation"... "Where such abuses take place, Mr Patterson pointed out that persons who were wronged, would have recourse under the law. He pointed to the establishment last week of a Consultative Committee that will, among other things, hear complaints brought by members of the public against members of the JDF." [34f]

**6.12** According to the USSD Report 2003, "The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. The JCF's BSI [Bureau of Special Investigators], which employed 29 investigators, specifically addresses police shootings. The BSI completed investigations of 37 of 323 shooting incidents during the year and sent them to the DPP. The DPP ruled on 10 cases and sent 3 to criminal courts. One officer was found criminally liable. 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. The PPCA had 12 investigators." [8](p6)

**6.13** The USSD Report 2003 noted that "On December 8 [2003], the JCF Commissioner signed a memorandum of understanding with police officers' representatives that outlined a new policy statement on human rights and police use of force and firearms. The statement incorporated U.N.-approved language on basic principles on the use of force and firearms by law enforcement officials." [8](p6)

**6.14** As reported in the Jamaica Gleaner dated 27 January 2004, "A 52-year-old police corporal attached to the May Pen traffic department in Clarendon was shot and killed during a drive by shooting in the parish on 26 January 2004. Reports suggest that he was in the process of issuing a traffic ticket to a motorist near the intersection of Manchester Avenue and Glenmore Road in May Pen when, a white station wagon Toyota motor car with armed men aboard drove up and both policemen and the motorist were shot." He was the first officer to be killed by criminals since the start of the year [2004]. [34v]



**6.15** On 23 February 2004 the Jamaica Gleaner reported that a Senior Superintendent had been murdered in Kingston on 20 February 2004. The Superintendent, "Mr McDonald was part of Mr Seaga's security detail during the 1980s and at one time worked closely with the Denham Town community, western Kingston, a part of Mr. Seaga's constituency." [34u] The Jamaica Observer reported on 9 March 2004 that "The police have detained a suspect in the February 20 murder of Senior Superintendent Lloyd McDonald in what was being interpreted as a substantial breakthrough in the gunslaying of the most senior Jamaican police officer in recent memory." Mr McDonald was the third policeman killed so far this year [up to 9 March 2004]. [36p]

**6.16** In February 2004, as reported in the Jamaica Gleaner dated 18 February 2004, "Special Branch detectives are now probing reports of a plot to kill Police Commissioner Francis Forbes. There are also reports that since the news of the plot surfaced about three weeks ago [the end of January 2004], the 52-year-old commissioner had effected some changes to his personal security." The Gleaner learnt that the sources of the threat are both internal and external. It is alleged that at least one senior police officer and an influential civilian have been implicated in the alleged plot. This is the second time in four years that the commissioner has had to "beef up" his personal security. [34m]

### **Arbitrary arrests**

**6.17** According to the USSD Report 2003, "The Jamaica Constabulary Force Act permits the arrest of persons "reasonably suspected" of having committed a crime. There were some reported incidents of arbitrary arrest during the year [2003], and the authorities continued to detain suspects, particularly those from poor neighbourhoods, without bringing them before a judge within the prescribed period. Human rights organisations were satisfied with the progress of the policy requiring that each new case involving detention of persons deemed "unfit to plead" for reasons of mental illness be brought to the court's attention once per month." [8](p5)

### **Torture and ill-treatment of suspects in custody**

**6.18** According to the USSD Report 2003 "The law prohibits torture and other abuse of prisoners and detainees; however, according to the USSD Report 2003, there have been continued reports of physical abuse of prisoners by guards, despite efforts by the Government to remove abusive guards and improve procedures" ... "At year's end [2003], the case involving accusations of police use of excessive force against demonstrators protesting the 2001 demolition of 17 squatters' homes was still pending with the DPP. In April 2002, the DPP ruled that two police officers should be charged with wounding with intent and malicious destruction of property for a 2000 incident in which police fired on a minibus when the driver failed to stop at a roadblock. The case was still before the courts at year's end [2003]." [8](p4)

### **Police impunity**

**6.19** According to the USSD Report 2003, "Although the Government moved to investigate incidents of police abuses and punish some of those police involved, continued impunity for police who commit abuses remained a problem [in 2003]." [8](p1-2) The USSD Report 2003 also noted that "Generally, the JCF was effective, although corruption and impunity were problems. In

June [2003] the government dismantled the controversial police Crime Management Unit after another incident in which citizens were killed by police during an alleged shootout." [8](p6)

**6.20** In their news release, 'Jamaica: An end to police impunity in sight?', dated 25 June 2003, Amnesty International said "Amnesty International today welcomed the recent actions and undertaking by the Jamaican government to strengthen the investigation of police officers involved in fatal shootings. The recent actions to help bring about police accountability are positive, welcome and give credibility to the government's statements that they seek to hold police officers to account in Jamaica. However, in the final analysis, there are only two criteria by which success can be judged: a significant drop in the number of those killed by police officers and the trial and conviction of officers for unlawful killings, Amnesty International said today." [9c]

**6.21** The same Amnesty International news release stated that "In the past three months, the Jamaican Government has taken firm steps and made specific commitments to end unlawful killings and police impunity. The authorities have:

- undertaken to improve the autopsies on those killed by the police;
- undertaken to lessen the backlog for Coroner's Court enquiries into police killings;
- made explicit public statements that unlawful killings by police officers will not be tolerated;
- publicly requested that the Director of Public Prosecutions make a decision on whether to prosecute members of the Crime Management Unit implicated in the unlawful killing of the Braeton Seven;
- sought and received expert assistance from the governments of the UK, USA and Canada with the investigation of the killings of four persons in Crawle by officers from the Crime Management Unit on 7 May 2003; and
- Disbanded the Crime Management Unit."

Amnesty International said that the disbanding of the Crime Management Unit - which has been implicated in numerous abuses of human rights - is a particularly welcome development. However, Amnesty International said that mere disbandment of the unit does not go far enough. [9c]

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**6.22** According to the human rights organisation 'Jamaicans for Justice', "Jamaican laws and constitution are impressive in the protection they provide for the rights of the citizens but breeches by agents of the state, of the law and the constitution go unpunished and result in a culture of impunity". [51a](p1)

### **Crime Management Unit**

**6.23** As reported in the USSD Report 2003, "On March 14 [2003], 2 years after the CMU shot and killed seven youths in Braeton, St. Catherine parish, Amnesty International (AI) issued a report of its own investigation into the incident, with the assistance of an independent U.K. firearms expert, stating that it found new evidence that supported the ongoing investigation of the



case by the DPP." [8](p3)

**6.24** A report on 2 June 2003 by the Caribbean Media Corporation stated that "Police Commissioner Francis Forbes on Monday [2 June][2003] confirmed media reports that the controversial Crime Management Unit (CMU) of the Jamaica Constabulary Gforce has been disbanded and its leader, Senior Superintendent Renato Adams, pulled from operational duties. Speaking at a press conference in Kingston on Monday [2 June] afternoon, Francis Forbes said "Adams would no longer lead a police team on operations in the various communities." He said that "effective 9 June [2003], Adams would assume a new position as Coordinator of the National Anti-Crime Initiative - a post that will see him spending time collecting data." Under Adam's leadership, the CMU had been dogged by controversy, including allegations of extrajudicial killings. [44d]

**6.25** The disbanding of the CMU follows the police shooting in May 2003 of two men and two women in Crawle, Clarendon. Amnesty International reported on 15 May 2003, that "The community of Crawle in Clarendon, Jamaica have complained of police harassment and threats following what appeared to be the extrajudicial execution of the four people on 7 May [2003]." Police officers had reportedly constantly visited the community in unmarked vehicles in an effort to intimidate them and several eyewitnesses to the killings have stated that they would only testify, if their safety could be guaranteed. [9d]

**6.26** An article in the BBC News - Caribbean Rim: Press review 3-4 June 03 - Kingston Jamaica Observer, states that "The opposition considers the action [the disbanding of the CMU] a victory for justice." The JLP had reportedly objected to the establishment of the CMU from the outset and have been among those calling for its disbandment for well over a year when reports of controversial killings began to mount. It is mentioned in a related report in the Kingston Jamaica Observer on 4 June [2003] that all killings of police officers would now be investigated by the new Organised Crime Investigating Division (OCID) an upgraded version of the Organised Crime Investigating Unit." [33a]

**6.27** On 5 June 2003, the Caribbean Media Corporation reported that "Five members of the CMU, including Adams, were subsequently taken off frontline duty as police started their probe into the shooting." [44e]

**6.28** As reported in the Caribbean Media Corporation news dated 5 June 2003, "Detectives from Scotland Yard and the Royal Canadian Mounted Police, who are investigating the killings were expected to hand a preliminary report to the Police Commissioner within 30 days." London's Metropolitan Police Commissioner Sir John Stevens told journalists at a press conference at the British High Commission in Kingston on Wednesday [4 June 2003] that "Their initial role of the outside support is to scope the task in Crawle and this should take 30 days or so to complete." He said that "Our objective is simple, to search for the truth and support the JCF's, (Jamaica Constabulary Force) investigation." [44e]

**6.29** Amnesty International in their report 'Jamaica: An end to police impunity in sight?' dated 25 June 2003, stated that "While noting that there has not been a single trial of a police officer on a charge of unlawful killings in recent

times, Amnesty International nevertheless hopes it has seen the turning of a corner in the fight to see justice for the victims of unlawful killings in Jamaica. Amnesty International is also concerned at recent reports that the members of the Crime Management Unit involved in the killings at Crawle have yet to give statements to investigating officers and wish to return to the scene of the killings before doing so." [9c]

**6.30** As reported in the Caribbean Media Corporation news dated 4 November 2003, "Two years after seven gunmen were fatally shot by the police in the community of Braeton in the central parish of St Catherine, the Director of Public Prosecutions [DPP], Kent Pantry, ruled that six members of the Jamaican Constabulary Force be charged with the killings." The DPP's ruling followed his review of evidence presented during the lengthy coroner's inquest into the fatal police shooting of seven youths on 14 March 2001. [44f] According to the USSD Report 2003, "The authorities brought charges against six police officers, and their trial was expected to begin in mid-2004." [8](p3)

**6.31** An article in the Jamaican Observer dated 29 January 2004 reported that some residents of Spanish Town called for the re-instatement of "tough cop", Senior Superintendent Renato Adams, to active street duty. An owner of a business in heart of the town told the Observer that "When Adams [is] in Spanish Town, extortion is at a minimum. The people trust him and are not afraid to give him information because they know he will not let them down, unlike other police officers." [36g]

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### **Use of lethal force**

**6.32** According to the USSD Report 2003, "The police frequently employed lethal force in apprehending criminal suspects. There were 127 deaths, including those of 13 police officers, during police encounters with criminals [in 2003], compared with 147, including 16 police, in 2002. While allegations of "police murder" were frequent, the validity of some of the allegations was suspect." [8](p2)

**6.33** The BBC reported on 26 October 2003, that "The Jamaican Government has ordered an inquiry into the police killings of two elderly men, which sparked mass riots. Thousands took to the streets, burning cars and blocking roads near Montego Bay airport in protest at the deaths of a taxi driver and newspaper seller. Police said the two men were caught in crossfire with an armed gang during a dawn raid on Saturday [22 February 2003]." The protesters said the two men had been killed by police in cold blood. [21e]

**6.34** The Jamaica Gleaner dated 17 February 2004 reported that, "A Police officer shot and killed a man who threatened them with a machete in northwestern Jamaica, authorities said Monday [16 February 2004]. Two officers were on patrol Sunday in the upscale Coral Gardens section of resort town Montego Bay when they saw a man shouting and waving a machete," police spokeswoman Camille Tracy said. "He was told to drop the machete by the policemen, but he refused," Tracy said. The 44-year-old man started swinging the machete in their direction and the two officers began to run backward and one of them fell, she said. The man, identified only as "Tru Tru", started to attack the officer on the ground with the machete and the policeman shot him in the chest., police said." Jamaica has one of the highest per capita

levels of police shootings in the world, according to Amnesty International. Police killed 113 people last year [2003], down from 133 in 2002, authorities said. [34n]

**6.35** Riots broke out in the west Kingston neighborhood of Denham Town on 13 February 2004, as reported in the Associated Press dated 13 February 2004. "The disturbance began around midday after a police officer shot a 14-year-old uniformed student in the head as he was eating his lunch with classmates near his school, residents told The Associated Press. The boy was reportedly listed in serious condition. "The policeman just pointed his gun over the fence and started shooting," said witness Sharon Maragh, 43. "He said he didn't like people from west Kingston." As word of the incident spread, about 500 residents and students descended upon the Denham Town Police Station, breaking windows with stones and setting a police car and military jeep on fire." Police said some protesters fired shots at the building, wounding a soldier. Police later regained control after former Prime Minister and opposition leader Edward Seaga arrived and pleaded with residents for calm. Seaga, the member of Parliament for the area, promised a swift investigation into the shooting, RJR radio reported. [54d]

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### **Extrajudicial Killings**

**6.36** As reported in the USSD Report 2003, "In October [2003], the U.N. Commission on Human Rights released the report dated 26 September 2003 of the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, which stated that the country had an unacceptably high number of questionable police shootings and should hold more policemen accountable for their actions." [8](p2)

**6.37** The above-mentioned Report of the Special Rapporteur, Asma Jahangir, dated 26 September 2003, states that "During the visit Ms Jahangir met with government ministers and officials, including representatives of the police, the security forces and the judiciary, She also met with a number of civil society organizations and community representatives. She had the opportunity to visit a number of neighbourhoods in central Kingston - the so-called "inner cities" - and the St Catherine prison in Spanish Town. She also visited Montego Bay. On a number of occasions she met with individual witnesses and family members of persons who had allegedly been extrajudicially executed." [12](p2)

**6.38** The Special Rapporteur report dated 26 September 2003, states that "Following her mission, it was the Special Rapporteur's distinct impression that extrajudicial executions by the police, and possibly in a very few cases also Jamaican Defence Forces, had in fact taken place. She stresses that she is not mandated to pronounce any clear-cut judgement as to the guilt or innocence of any individual; this eventually has to be determined through a due process of law. She also notes that the criminal justice system in Jamaica currently does not have the appropriate capacity to deal with these cases." [12](p2)

**6.39** The Report goes on to say that "The Special Rapporteur recognizes the challenge faced by the security forces in controlling crime and violence, but underlines that a high crime rate is not an excuse for the excessive use of force on the part of State authorities. She appreciates that senior policy makers and security officials in Jamaica have recognised the need for better

accountability on the part of the security forces." [12](p2) "The Special Rapporteur fully comprehends the challenge faced by the security forces in controlling crime and violence. They face a difficult task which is compounded by the fact that they lack tactical training in the use of non-lethal force and thereby end up using disproportionately high levels of force. Such methods are habit-forming and expose both the security forces and the public to undue risks. There was a tendency across the board to cover up suspected cases of extrajudicial killings." [12](p22)

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### **Internal investigation into police misconduct**

**6.40** According to the Special Rapporteur Report, 26 September 2003, "In the event of fatal shooting or other type of killing by a staff member of the JCF, an investigation must be undertaken by the BSI." The total staff of the BSI comprised 43, of whom 25 were investigators. Once an investigation by the BSI is completed, the file is transferred to the DPP, who will either decide to go ahead with criminal charges or refer the case to the Coroner's Court, which will conduct a coroner's inquiry. This type of inquiry which is conducted by a jury and chaired by a judge is essentially intended to clarify whether criminal charges should be presented. The verdict of the inquiry, along with the case-file is referred back to the DPP, who must once again decide whether to continue with a prosecution or close the case." [12](p13)

**6.41** The above-mentioned report also highlighted individual cases addressed by the Special Rapporteur during her visit. One such case is that of Janice Allen. "On 29 May 2001 the Special Rapporteur transmitted an urgent appeal on behalf of the family of Janice Allen, a 13-year-old, who was reportedly shot dead by Jamaican police in April 2000. Furthermore, Janice Allen's relatives had allegedly been threatened with death by the police. Her brother was allegedly arrested and detained for over 12 hours without charge in incommunicado detention. Her sister was reportedly chased out of Hunts Bay Police Station and threatened when she attempted to locate her brother. During the visit, the Government informed the Special Rapporteur that a police constable had been charged in May 2001 for the murder of Janice Allen. The case was still pending before the court. This case had also been monitored by the Police Public Complaints Authority and the investigation was also supervised by the PPCA. In May 2001 the case was referred to the DPP, who ruled that the police officer in question should be charged. During the visit, the Special Rapporteur also spoke to the mother of Janice Allen, who had sent her young daughter away from Kingston because of continued threats to her and her family for pursuing the case against the accused policeman ... No action was taken against those intimidating her despite complaints to the police." [12](p13)

**6.42** According to an Amnesty International publication - Fear for safety dated 16 May 2001 - Family of Janice Allen, "Police have threatened to kill the family of Janice Allen, a 13-year-old girl shot dead by Jamaican police last year [2000], after the Commissioner of Police announced last week that an officer would be charged in connection with the shooting following a ruling by the Director of Public Prosecutions. Amnesty International is concerned for their safety. At the same time, Janice Allen's brother, Andre Lindo, was arrested and detained for over 12 hours without charge in incommunicado detention. He was released following the intervention of a local human rights

group. Family members were denied access to him, and information on his whereabouts or the reasons for his arrest. On the same day, Janice Allen's sister was threatened when she went to Hunts Bay Police Station in an attempt to locate her brother. Police officers reportedly chased her out of the station and threatened to "break her head in". Amnesty International believes that the threats and arrest were designed to intimidate Janice Allen's family and to stop them from pursuing their quest for justice. Amnesty International has documented many cases where families of victims of police shootings have been harassed and threatened, ill-treated and in some cases tortured. [97]

## **Freedom of Speech and the Media**

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**6.43** According to the USSD Report 2003, "The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The four largest newspapers, all privately owned, regularly reported on alleged human rights abuses, particularly those involving the JCF. Foreign publications were widely available. There were 3 television stations and 16 radio stations. The Government's broadcasting commission has the right to regulate programming during emergencies. Foreign television transmissions were unregulated and widely available through satellite antennas and cable operators." [8](p8)

**6.44** According to the USSD Report 2003, "The Government did not restrict access to the Internet." [8](p8)

**6.45** According to the USSD Report 2003, "The Government did not restrict academic freedom." [8](p8)

## **Freedom of Religion**

**6.46** According to the USSD Report 2003, "The Constitution provides for freedom of religion, and the Government generally respects this right in practice." [8](p9) According to the USSD Report on Religious Freedom, issued 18 December 2003, "There were improvements in the status of respect for religious freedom during the period covered by this [the] report. The Government recognized the Rastafarian religion in the settlement of a lawsuit, which allowed clergy of the Church of Haile Selassie I to visit and worship with prisoners. Marijuana, which is used as part of Rastafarian religious practice, remains prohibited. Members of the Rastafarian community have complained that law enforcement officials unfairly target them; however, it is not clear whether such complaints reflect discrimination on the basis of religious belief or are due to the group's illegal use of marijuana." [59](p1)

**6.47** According to the USSD Report on Religious Freedom, issued 18 December 2003, "According to official government statistics compiled during the 2001 census, 24 percent of the population identify themselves as members of the Church of God, 11 percent as Seventh-day Adventist, 7 percent as Baptist, 10 percent as Pentecostal, 4 percent as Anglican, 2 percent as Roman Catholic, 2 percent as United Church, 2 percent as Methodist, 2 percent as members of Jehovah's Witnesses, 1 percent as Moravian, 1 percent as Brethren, 3 percent unstated, and 10 percent as "other." The category "other" includes Hindus, Jews (of whom there are approximately 350), and Rastafarians. There are an estimated 5,000 Muslims.

Of those surveyed, 21 percent stated that they had no religious affiliation." [59](p1)

**6.48** The USSD Report on Religious Freedom, issued 18 December 2003 states that "The generally amicable relationship among religions in society contributed to religious freedom." [59](p1)

For more information on Religious Freedom please see source [59]  
[www.state.gov/g/drl/rls/irf/2003/24498pf.htm](http://www.state.gov/g/drl/rls/irf/2003/24498pf.htm)

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## **Freedom of Association and Assembly**

**6.49** According to the USSD Report 2003, "The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. There were several community protests against police actions during the year [2003]. Security personnel generally acted with restraint during public demonstrations." [8](p8)

**6.50** According to the USSD Report 2003, "The Constitution provides for freedom of association, and the Government generally respected this right in practice." [8](p9)

## **Employment Rights**

**6.51** According to the CIA World Factsheet updated December 2003, the labor force in 1998 consisted of approximately 1.13 million and unemployment stood at 15.4 per cent. [4](p5)

**6.52** According to the USSD Report 2003, "The law provides for the right to form or join a trade union and unions functioned freely and independently of the Government. The Labor Relations and Industrial Disputes Act (LRIDA) defines worker rights. There was a spectrum of national unions, some of which were affiliated with political parties. Between 10 and 15 percent of the work force was unionized. Some companies laid off union workers then rehired them as contractors with reduced pay and benefits, a practice that is considered legal as long as workers receive severance pay. The LRIDA prohibits anti-union discrimination, and employees may not be fired solely for union membership. The authorities enforced this law effectively. Trade unions could and did affiliate with regional or international labor organizations." [8](p15)

**6.53** According to the USSD Report 2003, "The Government sets the minimum wage, after receiving recommendations from the National Minimum Wage Advisory Commission. The minimum wage, raised from \$25 (J\$1,200) to \$38 (J\$1,800) per week during the year [2003], was considered to be inadequate to provide a decent standard of living for a worker and family. Most workers were paid more than the legal minimum, except in the tourism industry. Work over 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that was observed widely." [8](p17)

**6.54** According to the USSD Report 2003, "The Juvenile Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. It also prohibits children under the age of 15 from industrial employment. The police are mandated with conducting child labour inspections, and the Ministry of Health is charged with finding places of safety



for children. However, according to Ministry officials, resources to investigate exploitative child labour were insufficient. Children under the age of 12 were seen peddling goods and services or begging on city streets. There were also reports that underage children were employed illegally in fishing communities and in prostitution." [8](p16-17)

**6.55** According to the USSD Report 2003, "The Constitution does not specifically prohibit forced or compulsory labour by either adults or children, but there were no reports that the practice occurred other than child prostitution." [8](p16)

**6.56** According to a January 2004 Report by the International Labour Office, Jamaica is an International Programme on the elimination of child labour (IPEC) participating- country. [11](p21) The Report states that "A rapid assessment on [commercial sexual exploitation] CSEC in Jamaica showed that children in prostitution were far from a homogenous group. Nine different profiles involving girls and boys were identified. It was discovered that social conditions, taboos and prevalent biases often make some groups involved in commercial sex – e.g. young children and boys engaged in homosexual prostitution – less visible than others. Given the varying ages, work contexts and reasons for working attributed to these groups of girls and boys, it was clear that different sets of interventions were needed." [11](p33) According to the Report the Status of Statistical Information and Monitoring Programme on Child Labour (SIMPOC) Report 2002 - 2003, on Jamaica is still to be finalized or yet to be published. [11](p113)

## **People Trafficking**

**6.57** According to the USSD Report 2003, "The law does not prohibit specifically trafficking in persons; however, there are laws against assault and fraud, and other laws establish various immigration and customs regulations. Trafficking in children was a problem; a 2000 ILO [International Labor Organization] study found child prostitution, involving girls as young as 10 years old, to be widespread in all parts of the country. The Government took steps to address these children in need." [8](p17)

**6.58** As reported in the USSD Report 2003, "Child prostitution was a problem. Reports indicated that children were being trafficked within the country for the purposes of sexual exploitation. The Government pledged to address this problem and worked in conjunction with the International Labor Organization (ILO) International Program for the Elimination of Child Labor (IPEC). The ILO/IPEC office planned to release the findings of a survey on child labor in early 2004." [8](p14)

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## **Freedom of Movement**

**6.59** According to the USSD Report 2003, "The Constitution provides for the rights of free movement and travel, and the Government generally respected them in practice. There was no specific implementing legislation providing for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and handled refugee or asylum cases administratively. The Government

cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees." [8](p9)

**6.60** According to the USSD Report 2003, "The Government established an interagency committee and formal procedures to review claims to refugee status." [8](p9) In February 2004, according to an Associated Press report, dated 23 February 2004, "Thirty two more Haitians migrants reached Jamaica by boat on Monday [23 February 2004], bringing to 62 the number since rebels mounted an assault against Haiti's government." The refugees represent the largest influx of Haitians to Jamaica since thousands fled Jamaica in the mid-1990s after Aristide was ousted in a military coup. Jamaican authorities are reviewing their asylum request. [54b]

## **6.B Human Rights - Specific Groups**

**6.61** According to the USSD Report 2003, "The Constitution prohibits discrimination on grounds of race, place of origin, political opinions, colour, creed, or sex. The Government generally enforced these prohibitions in practice, except for widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities." [8](p11)

### **Ethnic Groups**

**6.62** According to the CIA - The World Factbook - updated 18 December 2003, Jamaica is made up ethnically of black 90.9%; East Indian 1.3%; white 0.2%; Chinese 0.2%; mixed 7.3%; and other 0.1%. [4](p3)

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### **Women**

**6.63** The Convention on the Elimination of All forms of Discrimination against Women [CEDAW] was ratified by Jamaica on 19 October 1984. In 1995 Jamaica further committed itself to the struggle for women's equality by adopting the Forward Looking Strategies (FLS) generated at the Third World Conference on Women in Nairobi, Kenya. [50b](p3)

**6.64** According to the CEDAW Report (Second, third and fourth periodic reports of States parties) 25 February 1998, "There are several institutions and/or authorities in Jamaica which have the responsibility of ensuring that the principle of equality between men and women is complied with in practice." Several NGOs have played an important complementary role to the government's programmes through the expansion of 'parenting education' training programmes, the establishment of shelters and counselling services for battered and abused women, research, documentation and public education programmes. Other NGOs involved in these activities include: the Association of Women's Organisations of Jamaica, Women's Political Caucus, St Peter Claver Women's Housing Cooperative and the Women's Construction Collective. [50b](p7-8)

**6.65** At the CEDAW (502<sup>nd</sup> & 503<sup>rd</sup>) Meeting ("Women's Level of Participation in Jamaican Public Life Questioned by Anti-discrimination Committee") held on 26 January 2001, the Executive Director of the Bureau of Women's Affairs of Jamaica, Glenda Simms, spoke at length on women's issues. According to the CEDAW Press Release "She [Glenda Simms] went to say that one of the



great contradictions of Jamaican society was that despite women's great academic achievements they occupied few positions of real power and influence... Poverty continued to affect all aspects of women's lives, and several programmes had been initiated to address that problem, she continued, Rural and city women and domestic workers received priority attention. The strategy for wider integration of women in the tourist sector of the economy enjoyed the Government's support. However, sex tourism, prostitution and sexual exploitation of young girls still presented a challenge." [50a](p3)

**6.66** According to the USSD Report 2003, "The law prohibits prostitution; however, it was widespread, especially in tourist areas. The Constitution and the Employment Act accord women full legal equality; however, 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 ... There was an active community of women's rights groups. 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." [8](p13)

**6.67** The USSD Report 2003 stated that "There were no legal restrictions on the participation of women in politics. Women held approximately 8 percent of all political offices and 30 percent of the senior civil service positions. Three of the 17 cabinet members were women." [8](p10)

**6.68** According to Women of the World - Laws and Policies Affecting Their Reproductive Lives issued January 2001, In Jamaica, "In addition to legally recognised marriages, many couples form "visiting unions", in which the man visits the woman, often at the parental home, or common-law marriages, many of which develop out of visiting unions. Couples often live together for years and raise several children together before entering a legal union. However, a recent study of the Kingston Family Court found that in most Jamaican families women are at the core of the family unit, while men tend to be more transitory, although they still play an important financial role." According to the "Women of the World" Report on Jamaica "There is only one ground for divorce: an "irretrievable breakdown" of marriage. [3](p136) The Report also states that "Jamaican law enables women to obtain support for children from the fathers. Because 42% of Jamaican women are heads of households, more than 80% of Jamaican children are born out of wedlock." [3](p137)

**6.69** On 19 February 2004, the Jamaica Gleaner reported that "Women's groups yesterday [18 February 2004] hailed landmark legislation which will give equal shares to spouses involved in a failed marriage or common-law relationship. Female MPs and others gave a standing ovation when the House of Representatives on Tuesday [17 February 2004] passed the Family Property (Rights of Spouses) Act." [34a]

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## **Domestic Violence**

**6.70** According to the USSD Report 2003, "Social and cultural traditions perpetuate 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. During the year [2003], the number of reported incidents of rape increased by 2 percent; however, NGOs stressed that the vast majority of rapes were not reported. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes." [8](p12)

**6.71** According to the USSD Report 2003, "The Domestic Violence Act provides remedies for domestic violence, including restraining orders and other noncustodial sentencing. However, the USSD Report 2003 states that the Act only covers relationships maintained in the same household. Couples who reside in separate domiciles are not covered under this act. Breaching a restraining order is punishable by a fine of up to approximately \$200 (J\$10,000) and 6 months' imprisonment." [8](p12)

**6.72** The USSD Report 2003 noted that "In January [2003], a court gave a suspended sentence to a man in Montego Bay charged with beating his girlfriend so severely that she was blinded in one eye, and it ordered him to pay the woman's medical bills as compensation. The judge found that the man was "obviously a good and just man" because he was married with three children. The girlfriend's reputation was a mitigating circumstance in the judge's decision." [8](p12)

**6.73** According to the above-mentioned 2001 "Women of the World" Report on Jamaica "The law relating to rape is governed by the Offences Against Persons Act. Pursuant to this legislation, rape is punishable by life imprisonment. While the crime of rape is not defined in the Offences Against Persons Act, it is clear from recent attempts to reform the act that only vaginal intercourse is considered rape. An attempt to commit rape is punishable by 7 years' imprisonment, but if a weapon is used in the attempt, the sentence is a maximum of ten years' imprisonment. The act also prescribed sentences for other sexual offences, such as indecent assault, and offences against minors, such as carnal abuse, which is defined as sexual intercourse with a girl under 16 years of age. There is currently a draft bill to amend the Offences Against Person's Act, which seeks to change the law. The amendment would make the offence of rape gender-neutral; prohibit the publication of a rape complainant's identity; and specify that rape includes penetration of the vagina or anus by any object or part of a person's body." [3](p139)

**6.74** According to Women of the World - Laws and Policies Affecting Their Reproductive Lives issued January 2001, In Jamaica "There are two statutes that protect spouses from domestic violence, the Domestic Violence Act and the Matrimonial Causes Act. Pursuant to these statutes, abused spouses may apply to the court for orders to exclude an abuser from the home in which both parties had been living or from going to or near to the workplace, school, or any other specified location where the abused spouse or child may be found. The Domestic Violence Act applies equally to persons in marital and nonmarital relationships. Applications under the Matrimonial Causes Act, however, which are brought in the Supreme Court, may only be brought by married persons." [3](p139)

**6.75** According to the Independent Jamaica Council for Human Rights (1998) limited (IJCHR) 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.  
To destroy property.  
There also exists a number of institutions in Jamaica with responsibility for ensuring the equal rights of men and women. [31b]

**6.76** The USSD Report 2003 states that "There is no legislation that addresses sexual harassment and it was not a problem. There were no reports of sexual harassment of women by the police, but some observers believed that women did not report such incidents because there was no legal remedy." [8](p13)

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## **Children**

**6.77** According to the USSD Report 2003 "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. The Education Act stipulates that all children between 6 and 12 years of age must attend elementary school. However, due to economic circumstances, thousands of children were kept home to help with housework and avoid school fees. There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, especially in inner cities. NGOs reported that inner city "dons" or gang leaders and sometimes even fathers initiated sex with young girls as a "right." [8](p13)

**6.78** According to the USSD Report 2003, "There were 274 cases of statutory rape – sex with girls under 16 – reported through September 21 [2003], a 23 percent increase over the same period in 2002. The Government expressed concern about child abuse and admitted that incidents were underreported." [8](p13)

**6.79** According to the USSD Report 2003, "The Juvenile Act addresses several areas related to the protection of children, including the prevention of cruelty, a prohibition on causing or allowing juvenile begging, the power to bring juveniles in need of care or protection before a juvenile court, the treatment of juvenile offenders, the regulation and supervision of children's homes, and restrictions on employment of juveniles." [8](p14) As reported in the Jamaica Gleaner dated 12 January 2004, the new Child Care and Protection Act was being examined by a Joint Select Committee and will be taking its recommendations to Parliament by the third week of February [2004]. [34i]

**6.80** According to the concluding report by the UN Committee on the Rights of the Child, released 6 June 2003, "Among positive aspects were the progress made by the State party in several areas, including the establishment of the child support unit, the participation in frameworks of international co-operation concerning the implementation of the Convention and the accomplishments within the area of health, such as National Strategic Plan for HIV/AIDS." [29](p2)

## **Protection and Alternative Child Care**

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**6.81** According to a letter from the Ministry of Health, Children Service Division dated 17 February 2003, there are Child Care Institutions owned and

operated by the State while others are owned by Private Individuals/Organizations. The Institutions are licensed by the Children's Services Division, Ministry of Health and are subject to regular monitoring by the State. There are fifty two (52) such institutions in Jamaica and there is need for others specifically catering to children with special needs - mentally and physically challenged or displaying extreme behaviour difficulties. Child Care Institutions provide care for children from Birth to eighteen (18) years of age. However, there are some children who have attained age eighteen (18) years and must remain in the facility due to their specific needs/circumstances. [40]

**6.82** According to the USSD Report 2003, "In July [2003], Jamaicans for Justice issued a highly critical report about the conditions of private and state-run children's homes and places of safety, which fell under the Child Development Agency (CDA) responsibility upon its creation. The report indicated that rape, statutory rape, beatings, physical restraints and harsh punishments occurred frequently in these facilities. The Ministry of Health and the CDA pledged to address these problems, and the CDA instituted new policies and procedures to manage critical incidents in child care facilities." [8](p14)

**6.83** The Research Directorate of the Immigration and Refugee Board, Ottawa reported in the Jamaica: Update to JAM3355.E of 6 December 1999 on the protection available to abandoned, neglected and/or abused children that according to the Independent Jamaica Council for Human Rights (IJCHR) the state is obliged to provide protection and "alternative family care or suitable institutional placement" for a child "deprived of the family environment"... When a case of child abuse, neglect, or abandonment is reported either, the Child Services, police or the probation department is responsible for the investigation of the matter. If, in the case of abuse, removal from the home is warranted, the child is put in a "place of safety". These childcare institutions are either government-run or privately run under government supervision, provide shelter for children who have been abused, abandoned or neglected. After being placed in a home, the child is then brought before a Juvenile or Family Court to ensure the "legality" of the placement. [10a]

**6.84** According to the letter dated 17 February 2003, from the Ministry of Health "If a child has to be returned to Jamaica efforts would be made to identify relatives who would be willing and able to care for him. If there were no relatives, and the child has to be returned to Jamaica, this Division [Child Services Division] would meet him/her at the airport and arrange for reception in care of the State. The case would be referred to the Juvenile/Family Court for an order (Fit Person Order) to allow for alternate placement. The child would automatically gain entrance into an Educational Institution/School on their return." [40]

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## Homosexuals

**6.85** According to the International Lesbian and Gay Association [ILGA] website ([www.ilga.org/Information/legal\\_survey/americas/jamaica.htm](http://www.ilga.org/Information/legal_survey/americas/jamaica.htm)) Sections 76 - 79 Penal Code criminalises homosexual intercourse between men with a penalty of up to 10 years imprisonment, with or without hard labour, is provided for anyone attempting to commit homosexual acts or an "indecent assault" on another male person. [39]

**6.86** The Jamaica Forum for Lesbians, All-Sexual and Gays (J-Flag) website ([www.jflag.org/](http://www.jflag.org/)) 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]

**6.87** The J-Flag website states 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. This act [The Offences Against Persons Act] prohibits "acts of gross indecency" between men, in public or in private." According to J-Flag this is a general term which can be interpreted to mean any kind of physical intimacy. [26c]

**6.88** J-Flag gives details on "Your Rights, Duties and Responsibilities as a Jamaican Citizen - one of them being that "As a Jamaican citizen you also have through the Constitution, the right to have your privacy respected within your home and family." [26c]

**6.89** According to their website [www.jflag.org/about/](http://www.jflag.org/about/), accessed 5 March 2004 J-Flag among other things: does significant personal development and community building in the gay community. They offer counselling and referral services to gay people and their families. They consult and collaborate with noted local and international figures and human rights/health/political interest groups. J-Flag are currently in the process of working for constitutional and other legislative changes and have made written submissions to the Joint Select committee of the Houses of Parliament for the inclusion of "Sexual Orientation" as a basis on which the Constitution of Jamaica prohibits discrimination. They maintain a library and archive of resource for academic research. [26d]

**6.90** There were no reports among the sources consulted by the Research Directorate of the Immigration and Refugee Board, Ottawa on the police protection available to homosexuals [10b] However, a report in the Gleaner - a Go-Jamaica Feature 2001 - on Gays in Jamaica states that "Homosexuals are increasingly becoming the targets of hate crimes in Jamaica but are afraid to press charges against their assailants for fear of bringing attention to their lifestyle." Earlier this year [2001], several students attending the Northern Caribbean University in Mandeville were attacked and beaten for alleged homosexual involvement. The police, too are aware of some of the attacks which have been made on gays but note that they hardly have enough evidence to go on. Several months ago [prior to publication of this feature in

2001] in St Catherine, police officers had to rescue two men from being killed by a group of angry residents. The men were allegedly caught having oral sex in the back seat of a car. "Yes it is something that happens quite frequently," explained an officer attached to the Montego Bay police station. "Homosexuals are afraid to report some of the atrocities that have been carried out against them for fear of being exposed so they remain quiet while criminals walk free. Police officers many of whom are openly hostile towards gays, are also to be blamed for this." [34z]

**6.91** The above-mentioned 2001 feature in the Gleaner states that "Public Defender, Howard Hamilton, said that he is outraged at the level of hate crimes going on in the country. Speaking recently at the annual general members meeting of the Cornwell Bar Association held in Green Island, Hanover, Mr Hamilton warned that he would soon be instructing lawyers engaged in private practice to file cases in the courts against the state and any other bodies on behalf of citizens who make strong allegations on breaches of their constitutional rights. He also noted that attorneys would be paid for their services." [34z]

**6.92** The 2001 Gleaner report feature also mentions that "Clayton Morgan, president of the Cornwell Bar Association, said that his organisation would be working closely with the Public Defender's office to stem the flow of hate crimes in the country. He said that the homophobic nature of the country makes it easy for homosexuals to be targeted and that people at times are reluctant to assist them for fear of being branded." [34z]

**6.93** According to the USSD Report 2003, "The Jamaica Forum for Lesbians, All Sexuals, and Gays continued to report allegations of human rights abuses, including police harassment, arbitrary detention, mob attacks, stabbings, harassment of gay patients by hospital and prison staff, and targeted shootings of homosexuals [during 2003]." [8](p11)... "Homosexual men were hesitant to report incidents against them because of fear for their physical well-being. Human rights NGOs and government entities agreed that brutality against homosexuals, both by police and private citizens, was widespread in the community." [8](p12)

**6.94** According to an article published in the Jamaica Observer dated 19 February 2004, in notoriously homophobic Jamaica, gay men can hardly expect protection even from their parents. A father, concerned that his son might be gay, turned up at Dunoon Park Technical School in east Kingston and apparently encouraged other students to beat his son. School officials withheld the boy's name and the extent of his injuries was not immediately known. As students began to maul his son, the man is reported to have driven away. [36h]

**6.95** As reported in an article in SHAAN online - IPS e-zine on Gender and Human Rights, according to J-Flag, alleged homosexuals in the inner city are particularly at risk. In 2002, a homosexual man was shot to death as he sought refuge in a churchyard in central Kingston. [25]

**6.96** According to J-Flag, "The law is mute on sex between women, but it remains a crucial element of the homophobic social atmosphere (compounded by militant traditional Christian beliefs) which harms lesbians as



well." [26b]

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## **6.C Human Rights - Other Issues**

### **Organised Crime and Corruption**

**6.97** In a report by the Caribbean Media Corporation dated 19 June 2002, National Security Minister Dr Peter Phillips said "The number of Jamaicans killed for the year [2002] remains unacceptability high, despite a seven per cent decline in the number of murders compared to the corresponding period last year [2001]." [18d] As reported in a Black Britain article dated 7 January 2003, "The Police Commissioner of Jamaica, Francis Forbes of [sic] has said that the greatest challenge facing the Jamaica Constabulary Force (JCF) for 2003 was reducing the homicide rate in the country by twenty per cent (20%). He said that in 2002 homicides there were 1,045 murders which was far too high." The Commissioner pointed out that there was a general decline in robberies, with gun robberies declining from 1,523 in 2001 to 1,392 in 2002. [30]

**6.98** An Amnesty International Press Release issued 16 October 2003 stated that "739 murders are reported to have taken place so far this year [up to 16 October 2003] in Jamaica. A large proportion of these constituted reprisal killings, gang-related and domestic incidents. Jamaican media estimate that firearms were used in around 75% of the murders committed in the first three months of this year [2003]." [9e]

**6.99** New policing initiatives and approaches to crime control appear to have reduced fighting and tension in some of the inner city areas of Kingston. In Tavares Gardens nearly 100 days after the Government imposed a 24-hour curfew on the neighbourhood fighting had all but stopped. The National Security Minister attributed this success to the police maintaining a longer presence in these areas and developing a community style of policing. According to the report in the Miami Herald dated 11 March 2003, "The worst violence and murders were limited largely to a ten-square mile area of Kingston far from the tourist resorts but the reputation casts a shadow over the island's image as an ideal tourist destination and discourages investment for badly needed jobs." [53]

**6.100** According to an article in the Jamaica Gleaner dated 2 January 2004, Jamaica saw its first murder of 2004 with the death of 34-year-old Mark Anthony Grant, labourer of an Orange Street address, downtown Kingston. Grant's murder follows the death on New Year's Eve of another labourer, 53-year-old Fitzgerald Henry. According to reports, Mr Henry who is of a Spanish Town Road address, was standing at his gate when he was pounced upon by gunmen. Up to press time, the CCN [Constabulary Communication Network] had not compiled the final murder figures for the year [2003]. However, indications are that despite the upsurge in killings immediately after the Christmas holiday, murders have not passed last year's mark of 1,045. There were 971 reported murders up to December 30 [2003]. [34o]

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### **Gang Violence**

**6.101** According to the undated Jamaicans for Justice report accessed 24 February 2004, "Jamaica's Human Rights Situation", "Jamaica's socio-political



background is a picture of the promise of independence marred by a culture of political tribalism. This culture of tribalism, which has seen the entrenchment of political power as the pinnacle of achievement, has resulted in the creation of an increasingly violent society in which human rights are honored on paper but not in practice ... Jamaica's laws and constitution are impressive in the protection they provide for the rights of the citizens but the breeches of the law and constitution by the agents of the state often go unpunished and result in a culture of impunity." [51a](p1)

**6.102** According to the Jamaicans for Justice report "Jamaica's Human Rights Situation, "Jamaica today is a case study in tribalist politics typified by inner-city "garrison" communities, that are entrenched in state-built housing, are politically homogenous, intolerant of dissenting views, and defended by guns and bullets ... Out of structures created by political wars, "community" youth gangs have emerged to fight over turf and account for 20-25 percent of homicides. 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." [51a](p2)

**6.103** However, an article in the Jamaica Gleaner dated 12 January 2004, says that "High-ranking national security officials from Jamaica and New York City are planning to establish a partnership to break the crime links between the two places." [34p]

**6.104** As reported in the Associated Press dated 23 October 2002, commenting on the October 2002 elections "This year more than 800 people have died violently in Jamaica, police say, though many blame the killings on feuding drug gangs. Prime Minister Patterson vowed to resume executions as a way to curb violent crime." [55] According to the USSD Report 2003, "Although there is a history of political violence and killings in the period leading up to the elections, the June 19 [2002] local elections were less violent than previous elections. There were few reports of intimidation of voters and party agents." [8](p10)

**6.105** According to the USSD Report 2003, "Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs were often better equipped better than the police force and conducted coordinated ambushes of joint security patrols. There were targeted assaults against police officers and their families." [8](p2)

**6.106** The Gleaner dated 27 January 2004 noted that in December 2003 "Following a spate of high-profile murders in the troubled areas of Kingston, Spanish Town and Montego Bay, there is a renewed call for a gun amnesty from political quarters to help stem the accessibility of hardened criminals to illegal guns in the island. However, groups such as Families Against State Terrorism (FAST) are opposed to the idea of a gun amnesty which, according to them will not address the underlying problem of Jamaica's rising crime situation ... Last month [December 2003], Mayor of Spanish Town Dr. Raymoth Notice first mooted a programme as a gun amnesty, but Police Commissioner Francis Forbes cautioned the Spanish Town Mayor that he may not have to authority to launch an amnesty. The Commissioner asked for more information on the project but Dr. Notice simply changed the name to a gun initiative, and launched the programme. The Police and all nine Members

of Parliament were noticeably absent from that launch. Since then, gun crimes in Spanish Town have increased with a triple murder in late December, and at least 10 murders in the last two weeks of this month [January 2004]." [34y]

**6.107** The Jamaica Gleaner reported on 26 January 2004, that "Violence which has been plaguing Spanish Town, central St Catherine, since the start of the year [2004], continued on Saturday [24 January 2004] night when four persons were killed by gunmen, who wounded a fifth... During the previous week, at least 10 persons were shot dead and eight others wounded by bullets, in separate shooting incidents in communities adjoining Spanish Town, the capital of St Catherine." [34q] The Gleaner reported on 27 January 2004 that "A strong police presence will remain in Shelter Rock, Spanish town where the four people were shot dead." [34r]

**6.108** The Jamaica Observer dated 27 January 2004 reported that "The Police Commissioner Francis Forbes has replaced his crime chief in Spanish Town, Deputy Superintendent Dean Taylor, and transferred five other cops from the North St Catherine Division in what was last night being seen as an attempt by the police chief to bring fresh ideas to tackling the serious crime problem in the old capital." [36i]

**6.109** The Jamaica Gleaner dated 27 January 2004 reported that "Up to 26 January [2004], police records were showing that over 65 persons had been killed since the start of the year [2004]. In the week of 19-25 January, 35 persons were murdered across the island." [34r]

**6.110** On 28 January 2004, the Jamaican Observer reported that "Gang violence in Spanish Town worsened last night 27 January 2004 with gunmen trading bullets in several communities, killing two men. "It is not confined to any one area," a police spokesman told the Observer last night. The shootings were reported in Tawes Pen, Duncan's Pen, Ellerslie Pen and Shelter Rock. There were also said to be shootings at the bus terminus on Burke Road, forcing commuters to flee for cover." [36j]

**6.111** As mentioned in the same report "Meanwhile Sherice Campbell, the 28-year-old mother of two, who was shot five times Monday [26 January 2004], was last night [27 January 2004] battling for her life in hospital. Campbell received bullet wounds to the neck, back and stomach when gunmen invaded a tenement yard at Chambers Lane in Spanish Town [an area whose residents staunchly support the Opposition Jamaica Labour Party and where members feared 'One Order' gang has strong influence]." One resident claimed that Campbell was shot because she was in a relationship with a man aligned to the 'Clansman' gang, who are said to be supportive of the ruling People's National Party and just as heavily-armed and deadly as their foes. [36j]

**6.112** As reflected in the Jamaica Gleaner dated 27 January 2004, "Following a spate of high-profile murders in the troubled areas of Kingston, Spanish Town and Montego Bay, there have been renewed calls for a gun amnesty from political quarters to help stem the accessibility of hardened criminals to illegal guns in the island. However, groups such as Families Against State Terrorism (FAST) are opposed to the idea of a gun amnesty which, according to them will not address the underlying problems of Jamaica's rising crime

situation." [34y]

**6.113** It was reported in the Caribbean Media Corporation news on 29 January 2004, that "Police are continuing to keep a close watch on sections of the old capital of Spanish Town in the central parish of St Catherine following as upsurge of violence in recent weeks. A curfew was imposed on sections of Spanish Town on Wednesday [28 January] evening and remained in effect on Thursday. The curfew was imposed in the volatile community after warring gangs crippled business and normal activity and put the St Catherine capital under siege. The security forces have been seeking to flush out members of the 'One Order' and 'Clans Man' gangs, reportedly responsible for the death of 12 people and the injury of 20 others since the start of the year [2004]." [44k]

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**6.114** According to an article in the Jamaican Gleaner dated 30 January 2004, "The Church has agreed to play a key role in restoring order to Spanish Town, St Catherine, following a meeting yesterday [29 January 2004] between religious, civic and political leaders that looked at new measures to address the town's problems. In addition, Member of Parliament (MP) Olivia 'Babsy' Grange told the Gleaner that she would be seeking meetings with criminal leaders to see how she could help broker a truce." [34s]

**6.115** On the same day as reported in the Jamaican Observer dated 30 January 2004, "The police poured into the municipal bus park in Spanish Town yesterday [29 January 2004] and vowed to take control of the area that is considered to be the centre of the town's extortion racket and the source of conflict between rival gangs seeking to control the business. "We and the criminals cannot occupy the same space, whether (they are members of the) One Order or Clansman (gangs)," said the head of police's Special Anti-Crime Task Force (SACTF), Senior Superintendent Donald Pusey." [36k]

**6.116** As reported in the Jamaica Gleaner dated 2 February 2004, "In the wake of last week's [end of January 2004] flare-up of violence in Spanish Town, St Catherine, Prime Minister P.J. Patterson yesterday [1 February 2004] called on the parents of criminals to stop sheltering their sons. He was speaking during a radio broadcast on the same day that Dr. Paul Robertson, Minister of Development, vehemently denied Jamaica Labour Party (JLP) claims that the recent flare-up of violence was motivated by the ruling People's National Party (PNP)." [34t]

**6.117** On 2 February 2004, "More than 40 Spanish Town residents discussed the recent upsurge of violence in the old capital and began to formulate proposals which, they hope, will lead to an end to the bloodletting", reported the Jamaica Observer on 3 February 2004. "A number of persons who were invited to the meeting, however, failed to show, citing the possibility of a break out of violence." The article goes on to say that "Police say the bloody clashes in Spanish Town have been linked to a fight between the 'One Order' and 'Clansman' gangs over extortion rights at the Spanish Town bus park. The police have since established a command post at the bus park." [36j]

**6.118** An article in the Jamaica Gleaner dated 20 February 2004 reported that "Gunmen went on the rampage in St Catherine and Kingston yesterday [19 February 2004], killing at least six persons, including two family members of a family and a Jamaican Defence Force (JDF) soldier. Two others were left with

bullet wounds." These shootings have increased the number of persons killed violently since January [2004] to more than 140, or approximately three persons per day. There were reports that the father, Renford Linguard [who was shot dead], was a Crown witness in a matter which was scheduled for mention in court on 20 February 2004. [34w]

**6.119** The Jamaica Observer dated 7 March 2004 noted that "Over 150 of Jamaica's most dangerous criminals on the run, defying police efforts to bring them to justice for a variety of crimes, including double murder, murder, conspiracy to murder, shooting with intent, illegal possession of firearm, rape, kidnapping and carnal abuse, police sources said. The Constabulary Communication Network (CCN), the information arm of the police force, said some of the criminals had been wanted for over five years, while others were convicted but escaped from police lock-ups and prisons." [36q]

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### **Treatment of returned Failed Asylum Seekers**

**6.120** According to the Foreign and Commonwealth Office in March 2004, the British High Commission in Kingston has confirmed that deportees (including failed asylum seekers) are interviewed by police on their return. There are no penalties. [60] An article in the Jamaica Gleaner dated 6 February 2004, states that the Police Commissioner Francis Forbes wants all persons deported to Jamaica fingerprinted, irrespective of their criminal status. The Commissioner said that where an individual has committed an offence in Jamaica and runs off to another country, he is subsequently deported from that second country and is fingerprinted upon his return to Jamaica, you would then discover his connection with the offence committed prior to his departure from Jamaica. In a concession to the likelihood of strong opposition to this position, however, the Commissioner signalled his willingness to pursue this as a long-term goal. [34x]

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### **Humanitarian Aid/International Assistance**

**6.121** According to the Foreign and Commonwealth Office Country Profiles, last updated 14 August 2003 - Jamaica - "Britain's aid programme for Jamaica is worth in the region of £4.5 million a year. Major projects include educational schemes, support for the government's public sector reform programme, assistance to the Police Force, and assisting the Department of Corrections in the development of community service programmes. Additionally significant resources have been channelled into poverty alleviation for inner city areas of Kingston. DFID has approved debt relief for Jamaica for the last five years and will continue to review the need for further relief in the future." [6](p3)

**6.122** According to the US Department of State Background Note - 2004 - "The United States maintains close and productive relations with the Government of Jamaica. The United States is Jamaica's most important trading partner: bilateral trade in goods in 2000 was almost \$2 billion. Jamaica is a popular destination for American tourists; more than 800,000 Americans visited in 2000. In addition, some 10,000 American citizens, including many dual-nationals born on the island, permanently reside in Jamaica." [7](p4)

**6.123** According to the US Department of State Background Note 2004, "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 totaling more than \$13 million in development assistance." [7](p4)

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## Annex A

### Chronology of Major Events

- 1655** Britain captured Jamaica.
- 1670** Jamaica formally ceded to Britain.
- 1838** Slavery abolished.
- 1938** 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 becomes independent within the Commonwealth with Alexander Bustamante of the Jamaica Labour Party (JLP) as Prime Minister.
- 1972.** The PNP wins the general election and Michael Manley becomes Prime Minister.
- 1976.** The PNP wins another election.
- 1980.** JLP wins the general election and Edward Seaga is elected Prime Minister. Seaga proceeds to privatise state enterprises.
- 1989** Michael Manley is elected Prime Minister after PNP ousts the JLP in elections.
- 1992.** Michael Manley retires 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 wins a third term in office amid increasing crime and deteriorating economy.
- 1999.** In April violent protests take place against a 30% increase in fuel prices. In July the Government ordered the army to patrol the streets of Kingston following a massive increase in crime.
- 2001.** In 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.** In January, the authorities announced that more than 1,100 people were murdered in Jamaica in 2001. This showed an increase of 30% over the previous 12 months, and the highest ever recorded in a single year. In 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.
- 16 October, 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 introduces visa regime for Jamaican entering the UK;

London says the move is intended to tackle illegal immigration.

**2004** In March, Ousted former Haitian president Jean-Bertrand Aristide arrives in Jamaica, prompting angry response from new Haitian government.

[63]

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## Annex B

### Political Organisations

#### **The People's National Party (PNP)**

Founded in 1938; socialist principles; affiliated with the National Workers' Union; Leader - Percival J Patterson; General Secretary - Maxine Henry-Wilson; First Vice President - Peter Phillips. [1](p549)

#### **The Jamaica Labour Party (JLP)**

Founded in 1943. Supports free enterprise in a mixed economy and close co-operation with the USA. Leader - Edward Seaga; Deputy Leader - Olivia ('Babsy') Grange. [1](p549)

#### **The National Democratic Movement (NDM)**

Founded in 1995; Advocates a clear separation of powers between the central executive and elected representatives; supports private investment and a market economy. President - Hyacinth Bennett; Chairman - Brascoe Lee. [1](p549) Bruce Golding had resigned from the party, to be replaced by Hyacinth Bennett. [1](p539)

#### **Jamaica Alliance for National Unity (JANU)**

Founded in 2002. A Kingston-based party. [1](p549)

#### **United People's Party**

Founded in 2001. President - Antoinette Haughton Cardenas; General Secretary - Horace Matthews. [1](p549)

#### **Republican Party of Jamaica**

Kingston-based; Leader - Denzil Taylor. [1](p549)

#### **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 5 candidates. It was launched to represent the Rastafarian community in the Jamaican Parliament and the Grassroot people. [52]

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## Annex C

### Prominent People

#### **Bruce Golding**

The JLP's defeat in the 1993 election led to increased in-fighting among senior members and criticism of Seaga's leadership, with the result that In 1995 Bruce Golding was the former JLP Chairman and finance spokesman. He later left the party to lead a new organisation, the National Democratic Movement (NDM). [1](p539) He had reportedly rejoined the party. [16b]

#### **Antoinette Haughton**

The leader of United People's Party. [13b]

#### **Michael Manley**

Became Prime Minister in 1972 following an impressive victory by the PNP in the general elections. [63]

#### **Percival J Patterson**

Assumed office as Prime Minister in 1992. [6](p2) He led the PNP to election victories in 1993 and 1997. [5](p2259-2260)

#### **Edward Seaga**

Currently leader of the Opposition [JLP]. [34f]

#### **Hilaire Sobers**

Is a 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. [9g]

#### **Barry Wade**

In April 2002, Barry Wade, Al Miller and a group of church leaders launched a new political party, which called for a government of national unity and challenged Jamaicans to become more politically involved. The Jamaica Alliance for National Unity (JANU) hoped to break the virtual stranglehold of the ruling People's National Party (PNP) and opposition Jamaica Labor Party (JLP), which have dominated politics since the island nation won independence in 1962. [13c]

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