



Home Office

# Country Information and Guidance

Jamaica: Background information,  
including actors of protection and  
internal relocation

Version 1.0

May 2016

# Preface

This document provides general, background information to Home Office decision makers to set the context for considering handling particular types of protection and human rights claims. Where applicable, it must be read alongside other relevant country information and guidance material.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office's research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

Updated May 2016

## 1. Introduction

### 1.1 Summary of issues

- 1.1.1 In general, are those at risk of persecution or serious harm able to seek effective protection?
- 1.1.2 In general, are those at risk of persecution or serious harm able to internally relocate within Jamaica?

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## 2. Consideration of Issues

### 2.1 Protection

- 2.1.1 The Jamaica Constabulary Force (JCF) has primary responsibility for internal security, assisted by the Island Special Constabulary Force. A series of measures have been taken in recent years to enhance operational and administrative efficiency and reduce serious crime, including the successful merger of the Island Special Constabulary Force into the Jamaica Constabulary Force, and an increase in police recruitment, which had contributed to the ongoing improvement of crime statistics and decline in serious and violent crimes. Despite the progress made in recent years, there are reports that some police officers continue to be involved in corruption and criminal activity (see [Police](#)).
- 2.1.2 Avenues of redress exist for those who make complaints against the police. The Independent Commission of Investigations (INDECOM) undertakes investigations concerning actions by members of the security forces and other agents of the State that result in death or injury to persons or the abuse of the rights of persons; and for connected matters. It has been reported that the speed of investigations and prosecutions has quickened in recent years (see [Avenues of redress](#)).
- 2.1.3 The law provides for an independent Judiciary. The judicial system is headed by the Supreme Court and includes a court of appeals and several magistrates' courts. The courts are reported to be overburdened which can lead to delays in the justice system (see [Judiciary](#)).
- 2.1.4 In general, the authorities in Jamaica are willing and able to provide effective protection. In the country guidance case of [AB \(Protection-criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018](#) the Tribunal, before going on to consider whether the Jamaican authorities can protect persons who face a real risk in the form of targeting by criminal gangs, considered whether more generally the authorities are willing and able to provide effective protection and found that there is in general a sufficiency of state protection in Jamaica [para 150 of determination]. In doing so, the Tribunal reconfirmed the guidance given in [JS \(Victims of gang violence, Sufficiency of protection\) Jamaica \[2006\] UKAIT 00057 \(21 July 2006\)](#) which found that 'There is clear evidence that in general the Government of Jamaica is not only willing, but also able to provide through its legal system a reasonable

level of protection from ill-treatment to its citizens who fear criminal acts in Jamaica and to those who fear retribution for testifying against criminals.’

- 2.1.5 See also country information on [Police](#) and [Judiciary](#).
- 2.1.6 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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## 2.2 Internal relocation

- 2.2.1 Decision-makers must give careful consideration to the relevance and reasonableness of internal relocation on a case by case basis, taking full account of the individual circumstances of the particular person.
- 2.2.2 The law provides for freedom of internal movement and the government respect these rights (see [Freedom of movement](#)).
- 2.2.3 In the country guidance case [AB](#), the Tribunal found that whether a person will be able to avoid risk by relocating will depend on his particular circumstances, but the evidence does not support the view that internal relocation is an unsafe or unreasonable option in Jamaica in general; it is a matter for determination on the facts of each individual case.
- 2.2.4 For further information on considering internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#)

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## 3. Policy summary

- 3.1.1 In general, a person is likely to be able to access effective state protection against persecution or serious harm by non-state actors or rogue state actors.
- 3.1.2 Internal relocation to another area of Jamaica is generally viable if the risk will not be present in the place of relocation..

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# Country Information

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## 4. Geography and demography

### 4.1 Geography

- 4.1.1 Jamaica's total area is 10,991 sq km. It is an island in the northern Caribbean south of Cuba.<sup>1</sup>
- 4.1.2 Its population is 2,950,210 (2015). The capital of Jamaica is Kingston and the country is divided administratively into 14 parishes.<sup>2</sup>

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### 4.2 Languages

- 4.2.1 Ethnologue indicated that the principal languages are English and Jamaican Creole English. 'The number of individual languages listed for Jamaica is 4. All are living languages. Of these, 1 is institutional, 2 are developing, and 1 is in trouble.' (See the 'Languages', 'Profile' and 'Status' tabs on the Ethnologue website for more details on which languages fit which categories.)<sup>3</sup>

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### 4.3 Ethnic groups

- 4.3.1 The my-island-jamaica.com website noted that 'The Jamaican population consists of three main ethnic groups – Black, East Indian, and White. The other ethnic groups include Chinese, Lebanese and Syrians. Black [persons] account for 90% of the population...'<sup>4</sup>

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### 4.4 Religious groups

- 4.4.1 The US State Department's 2014 Report on International Religious Freedom noted that:

'According [to] the 2011 census, an estimated 26 percent of the population belongs to various branches of the Church of God, 12 percent is Seventh-day Adventist, 11 percent Pentecostal, 7 percent Baptist, 3 percent Anglican, 2 percent Roman Catholic, 2 percent United Church, 2 percent Methodist, 2 percent Jehovah's Witnesses, 1 percent Moravian, and 1 percent Brethren.

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<sup>1</sup> CIA World Factbook – Jamaica, last updated 18 December 2015  
<https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> date accessed: 14 January 2016

<sup>2</sup> CIA World Factbook – Jamaica, last updated 18 December 2015  
<https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> date accessed: 14 January 2016

<sup>3</sup> Ethnologue – Languages of the World: Jamaica, undated <http://www.ethnologue.com/country/JM> date accessed: 14 January 2016

<sup>4</sup> My-island-jamaica.com – The Population of Jamaica, undated [http://www.my-island-jamaica.com/population\\_of\\_jamaica.html](http://www.my-island-jamaica.com/population_of_jamaica.html) date accessed: 15 January 2016

Two percent declined to answer questions about religious affiliation. Other religious groups constitute 8 percent of the population, including approximately 29,000 Rastafarians, 1,500 Muslims (Muslim groups estimate their numbers at 5,000), 1,800 Hindus, 500 Jews, and 270 Bahais. The census reports 21 percent has no religious affiliation.’<sup>5</sup>

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## 5. History

- 5.1.1 An [overview](#) and [timeline](#) of Jamaica’s history can be found on the BBC website.<sup>6</sup>

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## 6. Economy

- 6.1.1 The World Bank Overview of Jamaica, last updated 10 September 2015, noted:

‘Jamaica is an upper middle income country and the largest in size and population in the English speaking Caribbean. For decades, Jamaica has struggled with low growth, high public debt and many external shocks that further weakened the economy. Over the last 30 years, real per capita GDP increased at an average of just one percent per year, making Jamaica one of the slowest growing developing countries in the world.

‘To reverse this trajectory, the Government of Jamaica embarked on a comprehensive and ambitious program of reforms for which it has garnered national and international support: a four-year Extended Fund Facility (EFF) by the International Monetary Fund (IMF) providing a support package of US\$932 million; World Bank Group and the Inter-American Development Bank (IDB) programs providing US\$510 million each to facilitate the GoJ’s economic reform agenda to stabilize the economy, reduce debt and create the conditions for growth and resilience.. In addition, the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) will continue to support private sector development.

‘The reform program is beginning to bear fruit: Institutional reforms and measures to improve the environment for the private sector have started to restore confidence in the Jamaican economy. Jamaica jumped 27 places to 58 among 189 economies worldwide in the 2015 Doing Business ranking, the country’s credit rating has improved and the Government has successfully raised more than US\$ 2 billion in the international capital in the markets in 2014 and 2015.

‘Despite some revival, economic growth is still low: the Jamaican Government is forecasting real gross domestic product (GDP) growth of 1.9

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<sup>5</sup> US State Department – 2014 International Religious Freedom Report, released June 2015 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> date accessed: 15 January 2016

<sup>6</sup> BBC – Jamaica: Country Profile and Timeline, 25 February 2015 <http://www.bbc.co.uk/news/world-latin-america-18784061> <http://www.bbc.co.uk/news/world-latin-america-18784730> date accessed: 15 January 2016

per cent for the fiscal year 2015/2016 and the the country continues to be confronted by serious social issues that predominantly affect youth, such as high levels of crime and violence and high unemployment. Jamaica, which had seen its poverty rate drop almost 20 percent over two decades, saw it increase by eight percent in a few years.

‘The unemployment rate in Jamaica is about 13.2% (April 2015, Statistical Institute of Jamaica), with youth unemployment more than twice the national rate (38%). However, among Jamaica’s assets are its skilled labor force and strong social and governance indicators.’<sup>7</sup>

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## 7. Political System

### 7.1 Constitution

7.1.1 See [Constitution of Jamaica](#).

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### 7.2 Electoral process

7.2.1 An undated entry on the Electoral Commission of Jamaica’s website about the country’s electoral system noted:

‘The abolition of Crown Colony Government and the adoption of Universal Adult Suffrage necessitated the creation of a government body mandated to administer subsequent elections. Thus, the Electoral Office of Jamaica was established in 1943 to administer Parliamentary and Local Government Elections.

‘In 1962 Jamaica gained its sovereignty from Britain. The present system of government is based on the British Westminster model where there is a House of Representative made up of elected members and a Senate made up of selected members.

‘Election as a political institution is the principal means of choosing the representatives of the executive and legislative offices of the country. It is this important process that the Electoral Office of Jamaica administers.’<sup>8</sup>

7.2.2 Freedom House’s report, ‘Freedom in the World 2015,’ published in March 2015, noted that:

‘Jamaica’s bicameral Parliament consists of the 63-member House of Representatives, elected for five years, and the 21-member Senate, with 13 senators appointed on the advice of the prime minister and 8 on the advice of the opposition leader. The leader of the party or coalition holding a majority in the House of Representatives is appointed as prime minister by the governor general, who represents the British monarch as head of state.

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<sup>7</sup> World Bank – Jamaica Overview, last updated 10 September 2015  
<http://www.worldbank.org/en/country/jamaica/overview> date accessed: 15 January 2016

<sup>8</sup> Electoral Commission of Jamaica – Jamaica’s Electoral System, undated  
<http://www.eoj.com.jm/content-73-38.htm> date accessed: 15 January 2016



The governor general is nominated by the prime minister and approved by the monarch.’<sup>9</sup>

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### 7.3 Government

#### 7.3.1 The undated Library of Congress Country Profile in a section on the Governmental System noted:

‘Jamaica is a constitutional monarchy and a parliamentary democracy based on the Westminster model, with a functional two-party system. Under this system of government, the prime minister and his cabinet are responsible to the legislature, and universal suffrage exists for citizens over the age of eighteen. The clauses of the 1962 Constitution, which consists of 138 articles in 10 chapters, may be amended by majorities of two-thirds in both houses of Parliament or, if the Senate does not concur, with the approval of a special majority of the electorate voting in referendum.’<sup>10</sup>

#### 7.3.2 Freedom House’s 2015 Freedom in the World report noted:

‘In September 2011, Jamaica Labour Party (JLP) leader and prime minister Bruce Golding abruptly announced his resignation, a move widely interpreted to have stemmed from his involvement with alleged drug trafficker Christopher “Dudus” Coke, which had caused Golding to lose support within his own party and among the electorate. The following month, the JLP elected Minister of Education Andrew Holness to become Golding’s successor as party leader and prime minister. Holness called for early general elections at the end of the year. On December 29, 2011, the People’s National Party (PNP) captured 41 seats in Parliament, while the JLP took only 22. PNP chief Portia Simpson-Miller became prime minister in January 2012; she had previously held the position in 2006 and 2007.

‘Jamaica achieved independence from Britain in 1962. Since then, power has alternated between the social democratic PNP and the more conservative JLP. In the 2007 elections, the JLP’s majority victory in the House of Representatives ended 18 years in power for the PNP. Although a vast number of smaller parties are active, politics at the national level is dominated by these two parties, and no other groups hold seats in the House of Representatives.

‘Powerful criminal gangs in some urban neighborhoods maintain influence over voter turnout in return for political favors, which has called into question the legitimacy of election results in those areas. None of the major political parties identify on religious, ethnic, or cultural grounds.’<sup>11</sup>

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<sup>9</sup> Freedom House – 2015 Freedom in the World Report, March 2015

<https://freedomhouse.org/report/freedom-world/2015/jamaica> date accessed: 15 January 2016

<sup>10</sup> Library of Congress Country Studies – The Governmental System, undated

<http://countrystudies.us/caribbean-islands/34.htm> date accessed: 15 January 2016

<sup>11</sup> Freedom House – 2015 Freedom in the World Report, March 2015

<https://freedomhouse.org/report/freedom-world/2015/jamaica> date accessed: 15 January 2016

## 8. Security Apparatus

### 8.1 Police

- 8.1.1 The Jamaica Constabulary Force website (dated 20 March 2015) stated: 'The Jamaica Constabulary Force (JCF) is the police force of the island nation of Jamaica. The official JCF staff numbers 9,930 plus 55 auxiliary positions, making a total of 9,985; its current strength (as of 2011) is 8,441.'<sup>12</sup>
- 8.1.2 The US State Department 2014 Human Rights Practices Report, released 26 June 2015, noted:  
'The JCF [Jamaica Constabulary Force] has primary responsibility for internal security, assisted by the Island Special Constabulary Force... A commissioner heads the JCF, which delegates authority through the ranks to constables. The JCF maintained divisions focusing on community policing, special response, intelligence gathering, and internal affairs.'<sup>13</sup>
- 8.1.3 According to a 2012 study by the United Nations Development Programme (UNDP) of seven Caribbean countries, including Jamaica, the ratio of police officers to civilians in Jamaica was 1 officer per 273 inhabitants<sup>14</sup>
- 8.1.4 An Immigration and Refugee Board of Canada Request Response of 9 February 2015 noted that the JCF's annual report for 2013 referred to the force having a number of specialized branches, divisions and taskforces including, among others, the Anti-Corruption Branch, the Major Organized Crime and Anti-Corruption (MOCA) Task Force, the Transnational Crime and Narcotics Division, Organized Crime Investigation Division, Criminal Investigation Branch, Major Investigation Taskforce, the Centre of Investigation for Sexual Offences and Carnal Abuse, the National Intelligence Bureau, and the Community Safety and Security Branch.<sup>15</sup>
- 8.1.5 The US Overseas Security Advisory Council 2015 Crime and Safety Report, released 3 November 2015, noted:  
'Organized crime and other criminal elements are prevalent and extremely active. Most criminal activity is gang-related. The police are only able to resolve (make arrests) in 45 percent of homicides annually, and they only convict perpetrators in seven percent of the homicide cases. This leads both

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<sup>12</sup> Jamaica Constabulary Force website – About Us, 20 March 2015 <https://www.jcf.gov.jm/about-us> date accessed: 26 January 2016

<sup>13</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 27 January 2016

<sup>14</sup> United Nations Development Programme – Caribbean Human Development Report - Human Development and the Shift to Better Citizen Security, 2012 [http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C bean\\_HDR\\_Jan25\\_2012\\_3MB.pdf](http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C%20bean_HDR_Jan25_2012_3MB.pdf) date accessed: 26 January 2016

<sup>15</sup> Immigration and Refugee Board of Canada Request Response - Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015), 9 February 2015 <http://www.refworld.org/docid/54f029014.html> date accessed: 26 January 2016

the public and police to doubt the effectiveness of the criminal justice system leading to vigilantism, which only exacerbates the cycle of violence. Based on their past experiences, most civilians fear that at best, the authorities cannot protect them from organized criminal elements, and at worst, are colluding with criminals, leading citizens to avoid giving evidence or witness testimonies.

‘...Police are unable to patrol and protect most neighborhoods adequately, and as a result, burglaries are quite common. Most wealthy residents hire private, armed guard forces to deter criminals.

‘...Police support for foreign victims of crimes runs between semi-responsive and responsive due to a shortage of manpower, training, vehicles, and other resources. Although the police receive some training from U.S and U.K law enforcement entities, they endure a lack of funding, resources, and management.

‘Police corruption and police involvement in criminal activity is not uncommon. Consequently, citizens are often indifferent to police authority, adding to a perceived sense of lawlessness. The Jamaica Constabulary Force is considered to be underpaid, poorly trained, and corrupt.’<sup>16</sup>

8.1.6 The DCAF [Geneva Center for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team] Jamaica Country Profile, last updated 2 February 2015, noted:

‘The JCF has a history of corruption and inefficiency. Police officials make arrests in around 44 percent of homicide cases annually and have been found to be involved in the illicit arms trade through supplying weapons and ammunition to criminals from government stockpiles. They also have a history of protecting prominent gang members and allowing them to run their illicit networks in exchange for bribes.

‘... The UNDP’s 2010 Citizen Security Survey, the police fared badly with respondents showing an extremely low degree of confidence in the force. Only 15 percent believed that the police respected citizens’ rights, while only 23.4 percent had confidence in the police to control gang violence.’<sup>17</sup>

8.1.7 The UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Jamaica, 20 July 2015, noted:

‘Regarding crime, justice and police reform, the delegation reported that a series of measures had been taken to enhance operational and administrative efficiency and reduce serious crime, including the successful merger of the Island Special Constabulary Force into the Jamaica Constabulary Force, and an increase in police recruitment, which had

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<sup>16</sup> US Overseas Security Advisory Council – 2015 Crime and Safety Report, released 2 November 2015 <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17248> date accessed: 28 January 2016

<sup>17</sup> DCAF [Geneva Center for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team] - Jamaica Country Profile, last updated 2 February 2015 <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Jamaica-Country-Profile> date accessed: 5 February 2016

contributed to the ongoing improvement of crime statistics, with a 17 per cent decline in serious and violent crimes in 2014 over 2013.

‘The delegation reported the passing of important legislation relating to law enforcement, including the Law Reform (Fraudulent Transactions) (Special Provisions) Act and the Criminal Justice (Suppression of Criminal Organisations) Act, and legislation that would establish a national DNA database.’<sup>18</sup>

#### 8.1.8 Amnesty International noted in its 2015/2016 Annual Report:

‘After years of rising numbers of police killings (over 200 per year from 2011 to 2013), the numbers began to decline in 2014 and 2015. The Independent Commission of Investigation (INDECOM), an independent police oversight agency, reported 50 killings involving the police in the first half of 2015, fewer than for the same period of 2014.’<sup>19</sup>

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## 8.2 Army/Military

### 8.2.1 The US State Department 2014 Human Rights Practices Report, released 26 June 2015, noted:

‘The Jamaica Defence Force (JDF) has responsibility for national defense, maritime narcotics interdiction, and JCF [Jamaica Constabulary Force] support. The JDF routinely conducted joint patrols and checkpoints in conjunction with the JCF. In her capacity as minister of defense, the prime minister approves all JDF operations in support of the JCF. The Ministry of National Security exercises the prime minister’s authority for oversight of the JCF and JDF.’<sup>20</sup>

### 8.2.2 The CIA World Factbook, last updated 6 January 2016, noted that the Jamaica Defence Force comprised Ground Forces, Coast Guard and Air Wing. The same source also noted that seventeen and a half is the legal minimum age for voluntary military service with no conscription.<sup>21</sup>

### 8.2.3 A World Bank Data report noted that the total number of military personnel (as at 2013) was 2,830.<sup>22</sup>

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<sup>18</sup> The UN Human Rights Council - Report of the Working Group on the Universal Periodic Review: Jamaica, 20 July 2015  
<http://www.refworld.org/topic,50ffbce51b1,50ffbce5208,55ed912e4,0,,,JAM.html> date accessed: 28 January 2016

<sup>19</sup> Amnesty International – State of the World’s Human Rights, 2015/2016, released February 2016  
[http://www.amnesty.eu/content/assets/Docs\\_2016/ReportsBriefings/air201516-english.pdf](http://www.amnesty.eu/content/assets/Docs_2016/ReportsBriefings/air201516-english.pdf) date accessed: 29 February 2016

<sup>20</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015,  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 28 January 2016

<sup>21</sup> CIA – World Factbook, last updated 6 January 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> date accessed: 28 January 2016

<sup>22</sup> World Bank – Data: armed forces personnel, total, 2013  
<http://data.worldbank.org/indicator/MS.MIL.TOTL.P1> date accessed: 28 January 2016

### 8.3 Security/Intelligence Services

#### 8.3.1 The Jamaica Defence Force website noted:

‘A counter-subversion component of the JDF, the Military Counter Intelligence Unit (MCIU) was established in 1976 as a part of the Headquarters Jamaica Defence Force. It was formed primarily to mitigate against the effects of subversion of members of the Force. The role subsequently expanded to involve the development of operational intelligence in support of JDF Units involved in Internal Security Operations. In 1983, the MCIU was renamed Headquarters Jamaica Defence Force Intelligence Unit (HQ JDF Int Unit).’<sup>23</sup>

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### 8.4 Human rights violations and impunity

#### 8.4.1 The US State Department 2014 Human Rights Practices Report noted: ‘The most serious human rights issues were alleged unlawful security force killings; cases involving the violation of rights that were not resolved in a timely way...

‘...While the government or its agents did not commit politically motivated killings, there were numerous reports that the government’s security forces committed arbitrary or unlawful killings.

‘...According to official INDECOM [Independent Commission of Investigations] statistics, there were 103 killings involving police through October [2014], which represented a 53 percent decline from the same period in 2013. Human rights monitors indicated some killings by police went unreported, with police allegedly meting out justice they believed was unavailable through the judicial system. On many occasions the Jamaica Constabulary Force (JCF) employed lethal force in apprehending criminal suspects. In most shooting incidents, police alleged the victims were carrying firearms and opened fire on them. In many cases, however, eyewitness testimony contradicted the police accounts. In other cases allegations of “police murder” were not credible, because the killings occurred in areas where well-armed gangs, trafficking in weapons and narcotics and running lottery and advance-fee scams, controlled communities and were often better armed than police.’<sup>24</sup>

#### 8.4.2 The Freedom House 2015 Freedom in the World Report noted:

‘Extrajudicial killings by police remain a major problem in Jamaica, accounting for 12 percent of murders each year...While there were a large number of homicides by police in the first half of the year, the rate for all of 2014 was 100, considerably lower than the 258 registered in 2013; this was the first time that the annual number of homicides by police had fallen below

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<sup>23</sup> Jamaica Defence Force – Website, undated [http://www.jdfmil.org/Units/hq\\_jdf\\_int/hqjdf\\_Int.php](http://www.jdfmil.org/Units/hq_jdf_int/hqjdf_Int.php) date accessed: 28 January 2016

<sup>24</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 28 January 2016

200 in more than a decade. Observers attributed the improvement to increasing accountability, as an independent commission began to more vigorously pursue cases of police violence in 2014.’<sup>25</sup>

8.4.3 A Guardian article of 2 December 2015, ‘Jamaica’s police at last being called to account for killing of civilians’, noted:

‘...Stewart is one of 93 civilians killed by Jamaican police this year. In a country of 2.8 million people which is awash with guns, and where powerful gangs have taken over inner-city areas so neglected by the state they have no running water or sanitation, the police have a reputation for being one of the deadliest security forces in the world.

‘Over the past decade they have gunned down about 200 people a year, to the condemnation of human rights groups across the world.

‘...Accounts provided by police after fatal shootings over the years have been accepted with little robust challenge. Jamaica has a bad record of holding those officers responsible for such killings to account.’<sup>26</sup>

8.4.4 The Inter-American Commission on Human Rights 2014 Annual Report noted:

‘Civil society organizations have noted that summary executions and corruption are still major issues plaguing the Jamaica police force...there remain obstacles to accountability and the persistence of impunity is noted in the low number of police shooting cases that make it to the criminal court. JFJ [Jamaicans for Justice] identified that setbacks and challenges still arise as illustrated in instances where police officers still delay informing INDECOM [The Independent Commission of Investigations] of fatal shootings which allows officers to remove or interfere with vital forensic and ballistic evidence. JFJ has stated that JCF officers collude on statements before presenting them and police officers still give the orders for post-mortems and examinations of ID parades which create serious conflicts of interest for INDECOM’s investigations.’<sup>27</sup>

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## 8.5 Avenues of redress

8.5.1 The Independent Commission of Investigations Act (INDECOM Act), enacted on 15 April 2010, established the Independent Commission of Investigations (INDECOM). Its mandate was to undertake ‘investigations concerning actions by members of the Security Forces and other agents of the State that result in death or injury to persons or the abuse of the rights of

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<sup>25</sup> Freedom House – 2015 Freedom in the World Report, March 2015

<https://freedomhouse.org/report/freedom-world/2015/jamaica> date accessed: 28 January 2016

<sup>26</sup> The Guardian - ‘Jamaica’s police at last being called to account for killing of civilians’, 2 December 2015 <http://www.theguardian.com/world/2015/dec/02/jamaica-police-killings-akieem-stewart-independent-investigators> date accessed: 28 January 2016

<sup>27</sup> The Inter-American Commission on Human Rights - Annual Report, 2014

<http://www.oas.org/en/iachr/docs/annual/2014/docs-en/Annual2014-chap5-Jamaica.pdf> date accessed: 29 January 2016

persons; and for connected matters.’ INDECOM took over duties formerly under the jurisdiction of the Police Public Complaints Authority (PPCA) on 16 August 2010.

‘...the commission has three branches, located in St. James, Mandeville, and Kingston.

‘...To report an incident or a complaint against a member of the Security Forces, Correctional Officer, or Public Officer, the INDECOM website provides a tip line, telephone number, e-mail, and address where individuals may go to report in person.’

8.5.2 Amnesty International noted in its 2015/2016 Annual Report: ‘Major backlogs in the judiciary led to continued delays and hampered access to justice. In particular, investigations into police killings remained slow.’<sup>28</sup>

8.5.3 The US State Department 2014 Human Rights Report noted:

‘It usually took many years to bring police officers to trial for alleged unlawful killings, and since 2006 the courts had convicted only one police officer of an extrajudicial killing until the November murder conviction of two police officers. During the year, however, the pace of prosecutions quickened, and through the end of September, the DPP [Director of Public Prosecutions] and INDECOM filed criminal charges against 21 police officers for their alleged involvement in unlawful killings. In July courts convicted eight officers for failing to comply with INDECOM’s investigation into their alleged involvement in the 2010 fatal shooting of two civilians. In November a court convicted a deputy superintendent of police for obstructing INDECOM in carrying out its duties when he failed to hand over to INDECOM investigators firearms involved in a fatal police shooting in St. Catherine.

‘...A July 2013 Constitutional Court ruling confirming INDECOM’s power to file charges directly, rather than through the DPP, streamlined the judicial process, as the DPP issued its rulings on cases involving security forces on average 27 months after the final submission of files from the Bureau of Special Investigations or INDECOM. As of September INDECOM was pursuing more than two thousand investigations into allegations of abuse by agents of the state.’<sup>29</sup>

8.5.4 A Jamaica Observer report of 18 November 2015, ‘Police to be disciplined for refusing to cooperate with INDECOM’, noted: ‘Members of the security forces could soon be facing disciplinary action for failing to respond to questions from investigators who work with the Independent Commission of Investigations (INDECOM) about their use of force against civilians.

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<sup>28</sup> Amnesty International – State of the World’s Human Rights, 2015/2016, released February 2016 [http://www.amnesty.eu/content/assets/Docs\\_2016/ReportsBriefings/air201516-english.pdf](http://www.amnesty.eu/content/assets/Docs_2016/ReportsBriefings/air201516-english.pdf) date accessed: 29 February 2016

<sup>29</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 29 January 2016

'In addition, any disclosure arising from the questioning of the security officers by INDECOM investigators shall be admissible at any trial of the member of the security forces who made the disclosure.

'A Joint Select Committee (JSC) of Parliament, which has been reviewing INDECOM's first five years of operation...made the recommendation in a report to Parliament recently.

'The Committee has also recommended that, in the case of proceedings against a member of the security forces or any specified officer for an offence, evidence which is given at any time before he was charged with the offence the officer failed to make the disclosure, the court or jury may draw its own inferences from that failure to disclose.'<sup>30</sup>

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## 9. Judiciary

### 9.1 Organisation

9.1.1 The Supreme Court Jamaica website provided relevant details of the [Constitution](#), [Legal system](#) and [Court structure and hierarchy](#).<sup>31</sup>

9.1.2 The Freedom House 2015 Freedom in the World Report noted: 'The judicial system is headed by the Supreme Court and includes a court of appeals and several magistrates' courts. The Trinidad-based Caribbean Court of Justice is the highest appellate court. A growing backlog of cases and a shortage of court staff at all levels continue to undermine the justice system.'<sup>32</sup>

9.1.3 The US State Department 2015 Human Rights Practices Report noted: 'The law provides for an independent judiciary, but the judicial system relied entirely on the Ministry of Justice for all resources.

'In many instances authorities delayed trials for years and dismissed some cases because files could not be located or had been destroyed. Some trials suffered from antiquated rules of evidence as well as from lack of equipment for collecting and storing evidence. For example, drug evidence collected in an arrest had to be stored in its entirety; samples or photographs were not acceptable. Storage facilities were inadequate and understaffed, and evidence occasionally disappeared, deteriorated in the warehouse, or could not be located when needed.

'The resident magistrate's courts, which handled more than 90 percent of the cases in the court system, continued operation of a night court to reduce the backlog of cases. The Supreme Court used mediation through the Dispute Resolution Foundation as an alternative to traditional trials. This alleviated

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<sup>30</sup> Jamaica Observer - 'Police to be disciplined for refusing to cooperate with INDECOM', 18 November 2015 <http://www.jamaicaobserver.com/news/Police-to-be-disciplined-for-refusing-to-cooperate-with-INDECOM> date accessed: 29 January 2016

<sup>31</sup> Supreme Court Jamaica – Website, undated <http://supremecourt.gov.jm/> date accessed: 1 February 2016

<sup>32</sup> Freedom House – 2015 Freedom in the World Report, March 2015 <https://freedomhouse.org/report/freedom-world/2015/jamaica> date accessed: 1 February 2016



some of the civil case backlog in that court. The resident magistrate's courts also used alternative dispute resolution in limited cases.<sup>33</sup>

9.1.4 The Amnesty International 2014 Annual Report noted:

'Overburdened courts led to continued delays in the justice system. In February, the National Security Minister stated there was a backlog of approximately 40,000 cases. In June, the Chief Justice said that the unavailability of forensic evidence, outstanding statements and ballistic reports, as well as an absence of adequate court infrastructure, human and financial resources, were seriously hampering the justice system.'<sup>34</sup>

9.1.5 The US Department of State further noted:

'Judges dismissed some criminal trials because witnesses failed to come forward due to threats, intimidation, or their death. Some of those who appeared qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness protection program who abided by the rules of the program had ever been killed.'<sup>35</sup>

9.1.6 See the Jamaica CIG on [Fear of organised criminal gangs](#) for further information about the Witness Protection Programme in Jamaica.

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## 9.2 Trial procedures

9.2.1 The US State Department 2014 Human Rights Practices Report noted:

'Most trials are public and adjudicated by a lone judge. Serious criminal offenses are tried with juries in circuit court and at the Supreme Court level. Reluctance of some citizens to serve as jurors resulted in a persistent problem of seating jurors for cases, which contributed to the extensive judicial backlog.

'The constitution provides defendants a presumption of innocence and the right to counsel and to confront witnesses against them. Defendants have the right to be informed of the charges against them and the right to a fair and public trial by jury without undue delay. Judicial authorities frequently postponed trials because witnesses, counsel, or the required number of jurors failed to appear in court. Defendants are provided ample time to prepare defense and are not compelled to confess guilt. They have the right to appeal. Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or

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<sup>33</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 1 February 2016

<sup>34</sup> Amnesty International – 2014 Annual Report, released 25 February 2015 <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/> date accessed: 5 February 2016

<sup>35</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 1 February 2016

Dangerous Drugs Act and in the case of offenses in which the defendant is not liable to incarceration. The Office of the Public Defender (OPD) may bring cases on behalf of persons who claim violations of their constitutional rights, but the OPD cannot appear in court on their behalf. Although the OPD contracted with private attorneys to represent indigent clients, funds were insufficient to meet demand, and such attorneys sometimes requested payment from clients.

'...There is an independent and impartial civil judiciary process. Complainants may bring human rights abuse cases for civil remediation to the courts, but awards can be difficult to collect. The government is required to undertake pretrial negotiations or mediation in an attempt to settle out of court, but it often did not do so. When there were settlements, whether in or out of court, the government often lacked the funds to pay, resulting in a backlog of awards.'<sup>36</sup>

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### 9.3 Corruption and Impunity

- 9.3.1 The DCAF [Geneva Center for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team] Jamaica Country Profile, last updated 2 February 2015, noted:

'The justice system has a serious backlog of cases with evidence of inefficiency and corruption. Former Justice Minister Delroy Chuck admitted in 2011 that the system was in a dire state and plagued by corruption. In the 2010 UNDP Citizen Security Survey, over half of respondents (57.3 percent) said the justice system was corrupt and 57.8 percent believed politically connected criminals could walk free. Convictions are only handed down in five percent of homicide cases, indicating a very high level of impunity.'<sup>37</sup>

- 9.3.2 A Human Rights First report of July 2015, "The World as it Should Be"- Advancing the Human Rights of LGBT People in Jamaica', noted: 'Similar to mob violence, one analyst argues that violence perpetrated by the police is rooted in officers' mistrust of the justice system and perpetuated by impunity in cases of police violence.'<sup>38</sup>

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## 10. Freedom of movement

- 10.1.1 The US State Department's 2014 Country Report on Human Rights Practices noted that 'The law provides for freedom of internal movement,

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<sup>36</sup> US State Department - 2014 Human Rights Practices Report, released 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 1 February 2016

<sup>37</sup> DCAF [Geneva Center for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team] - Jamaica Country Profile, last updated 2 February 2015 <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Jamaica-Country-Profile> date accessed: 1 February 2016

<sup>38</sup> Human Rights First - "The World as it Should Be" - Advancing the Human Rights of LGBT People in Jamaica', updated July 2015 <http://www.humanrightsfirst.org/sites/default/files/HRF-Jamaica-Report-final.pdf> date accessed: 8 February 2016

foreign travel, emigration, and repatriation, and the government generally respected these rights.’<sup>39</sup>

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## 11. Citizenship

11.1.1 Citizenship law is set out in the August 1962 [Nationality Act of Jamaica](#).

11.1.2 The multiplecitizenship.com website noted:

‘Jamaica

‘Citizenship: Citizenship is based upon the Jamaican Nationality Act of 1962, amended March 2, 1993.

‘By Birth: Child born in the territory of Jamaica, regardless of the nationality of the parents.

‘By Descent: Child born abroad, at least one of whose parents is a citizen of Jamaica.

‘Marriage: Person, who marries a citizen of Jamaica, is eligible for Jamaican citizenship.

‘By Naturalisation: Jamaican citizenship may be applied for upon fulfilment of the following conditions: Person has resided in Jamaica for at least the 12 months prior to the application for citizenship. Person has resided in Jamaica for an aggregate of at least four years during the five year period before the application. Person intends to reside in Jamaica once citizenship is granted. Person is of good character, has a permanent residence and livelihood, and is involved in Jamaican society.

‘Dual Citizenship: Recognised. The Jamaican Constitution does not specifically refer to dual citizenship, but it does not prohibit citizens from acquiring a second nationality.

‘Jamaican law states that any Jamaican who acquires a foreign citizenship will be subject to all the responsibilities of the new citizenship and cannot claim any exemptions of their Jamaican nationality.

‘Loss of Citizenship:

‘Voluntary: Jamaican citizens do not lose their Jamaican citizenship upon the acquisition of a foreign citizenship. Any citizen wishing to renounce Jamaican citizenship must be granted permission by the government of Jamaica.’<sup>40</sup>

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<sup>39</sup> US State Department – 2014 Human Rights Practices Report, released 26 June 2015 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> date accessed: 22 January 2016

<sup>40</sup> Multiplecitizenship.com – Jamaica, undated [http://www.multiplecitizenship.com/wscl/ws\\_JAMAICA.html](http://www.multiplecitizenship.com/wscl/ws_JAMAICA.html) date accessed: 4 February 2016

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- valid from **13 May 2016**
- this version approved by **Sally Weston, Deputy Director, IBPD**
- approved on: **27 April 2016**

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