



Home Office

# **Country Policy and Information Note**

## **Jamaica: Women fearing domestic violence**

**Version 2.0**  
**January 2017**

# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

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

## Country information

The COI within this note 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 our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## 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. IAGCI may be contacted at:

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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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# Policy guidance

Updated: 29 January 2017

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of domestic violence from non-state actors and lack of effective protection from the Jamaican authorities.

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Particular social group

- 2.2.1 Women in Jamaica form a particular social group (PSG) within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 Although women in Jamaica form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further information and guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.3 Assessment of risk

- 2.3.1 There are no available statistics on the prevalence of domestic violence in Jamaica but it is reportedly a serious and widespread problem. Several reports note high rates of domestic and sexual violence (see [Prevalence of Domestic Violence](#)).
- 2.3.2 The onus is on the person to substantiate a claim that they would face domestic violence on return to Jamaica.
- 2.3.3 For further information and guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

## 2.4 Protection

- 2.4.1 In the country guidance case of [AB \(Protection –criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018 \(22 February 2007\)](#) 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].
- 2.4.2 In doing so, the Tribunal reconfirmed the guidance given in [JS \(Victims of gang violence, Sufficiency of protection\) Jamaica \[2006\] UKAIT 00057 \(21 July 2006\)](#). In that case, the Tribunal held 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.”
- 2.4.3 There have been a number of legislative measures undertaken to improve the situation of women fearing domestic violence in Jamaica. In 2004, Jamaica established the Domestic Violence Act providing protection and ancillary orders for victims of domestic violence. Proceedings can also be initiated by a third party on behalf of an abused woman. In 2009, the Sexual Offences Act was passed which created new provisions for the prosecution of rape and other sexual offences, although spousal rape is only an offence if it meets specific conditions (see [Legislation](#)).
- 2.4.4 Despite the protections provided in law, reports suggest that incidents of domestic violence are underreported due to the prevalence of social and cultural norms, including stigma, and fear of retribution or further violence. There has also been criticism of the length of time taken to investigate and prosecute cases, deterring women from reporting crimes. It is reported that the courts are overburdened and that the absence of adequate court infrastructure, human and financial resources seriously hamper the justice system. It has also been reported that amongst some police officers, domestic violence is frequently not viewed as a crime and that there is insufficient awareness and training among judges, prosecutors, police officers and health professionals about violence against women. It has been reported that many women fail to seek help due to fear, ignorance of the law and embarrassment, and that many women only seek help after their circumstances have become particularly severe (see [Legislation and other government initiatives](#), [Prevalence of Domestic Violence](#) and [Police Effectiveness](#)).
- 2.4.5 While there are a number of women’s rights groups in Jamaica, only one shelter exists which is operated by an NGO. NGOs and the UN expressed concern that there was insufficient funding for police investigations of gender-based violence and for counselling and shelter for victims (see [Support Groups](#)).
- 2.4.6 The onus is on the person to demonstrate why they believe they would be unable to access effective protection. However, decision makers must note that a lack of willingness to access protection is not the same as a lack of

effective protection. The attitudes of some officers may also not be fully reflective of the Jamaican Police Force as an institution.

- 2.4.7 For further information and guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

- 2.5.1 While it may be possible for a woman to relocate to other parts of Jamaica to escape domestic violence, the individual circumstances of the person must be taken into account when assessing whether it would be reasonable to expect them to do so. Decision makers must consider factors such as the age, gender, health, ethnicity, religion, level of education, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.
- 2.5.2 Other factors to consider include: the ability of the persecutor to pursue the person in the proposed site of relocation, whether effective protection is available in that area; the availability of shelters/centres as well as the situation women will face after they leave such centres; and any previous attempts to relocate.
- 2.5.3 In the Country Guidance case of [SW \(lesbians - HJ and HT applied\) Jamaica CG \[2011\] UKUT 251 \(IAC\) \(24 June 2011\)](#) the Upper Tribunal found that “single women with no male partner or children risk being perceived as lesbian, whether or not that is the case, unless they present a heterosexual narrative and behave with discretion... Newcomers in rural communities will be the subject of speculative conclusions, derived both by asking them questions and by observing their lifestyle and unless they can show a heterosexual narrative, they risk being identified as lesbians. Perceived lesbians also risk social exclusion (loss of employment or being driven from their homes). A manly appearance is a risk factor as is rejection of suitors if a woman does not have a husband, boyfriend or child, or an obvious and credible explanation for their absence.” [para 107 (3), (4) and (5) of determination]
- 2.5.4 See also the country policy and information note on [Jamaica: Background information including actors of protection and internal relocation](#).
- 2.5.5 For further information on considering internal relocation and the factors to be taken into account, of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

- 2.6.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because in general the authorities are able and willing to provide effective protection.
- 2.6.2 For further information and guidance on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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## 3. Policy summary

- 3.1.1 Although there have been a number of legislative and other measures undertaken to improve the situation, domestic violence in Jamaica remains a serious and widespread problem.
- 3.1.2 Protection is provided in law and the authorities in Jamaica are in general willing and able to provide effective protection.
- 3.1.3 Women's recourse to justice and effective protection is sometimes limited due to the inadequate enforcement of legislative provisions. However there are a number of non governmental organisations (NGOs) in Jamaica which are active in providing support to victims of gender based violence that may be able to assist a woman to avail themselves of the protection of the state
- 3.1.4 Internal relocation to avoid risk from domestic violence is possible, as long as – on the particular facts of the case – it would not be unduly harsh to expect the woman to do so.
- 3.1.5 Women who can demonstrate that they have a well-founded fear of persecution as a result of domestic violence and have no recourse to effective state protection or internal relocation should be granted asylum as a member of a particular social group.
- 3.1.6 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Country information

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## 4. Background

4.1.1 The UN Human Rights Council's Universal Periodic Review of Jamaica in 2010 stated that there is an unacceptably high level of violence against women and girls in Jamaica.<sup>1</sup> In June 2013, the UN Economic, Social and Cultural Rights Committee expressed "its profound concern at high rates of domestic and sexual violence, and the lack of a comprehensive strategy to address the phenomenon" in Jamaica.<sup>2</sup>

4.1.2 An October 2014 article on WeJamaicans.com reported that:

'Unfortunately, domestic violence against women in Jamaica continues to be a perennial problem.....It is ironic that a country like Jamaica, which has women in many key positions of leadership, should have its women suffer so heavily from the blows of domestic violence. The Chief Justice, Senior Resident Magistrate, Director of Public Prosecutions, Auditor General and the Prime Minister are only some of the women in key, top and leading positions in Jamaica. In most cases, it is male spouses who exact domestic violence on their female counterparts....'

'The common thought is that once a woman experiences domestic violence, she should expunge herself from the situation, meaning the relationship. However, in fairness to some of those who stay in the abusive relationships, they really do not have much of a choice. The first reason is that women earn less than men, generally speaking. Hence, with a lack of earning power, they stay in the relationship because they are dependent on the abuser, financially and maybe otherwise.'<sup>3</sup>

4.1.3 The UN Human Rights Council, in a February 2015 summary of evidence submitted by stakeholders to the universal periodic review, noted that:

'JS2 [Joint Submissions 2] indicated that the major problems facing women included domestic violence, gender inequality, stereotyped roles for men and women, slow pace of legal reform relating to anti-discrimination legislation and the lack of sexual harassment legislation, and economic reliance of women on men because of female poverty.'<sup>4</sup>

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<sup>1</sup> UN Human Rights Council, National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\* Jamaica, 20 August 2010, IV. Promotion and protection of human rights- a) Gender Issues, Para 29.

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/JM/A\\_HRC\\_WG.6\\_9\\_JAM\\_1\\_E\\_Jamaicaeng.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/JM/A_HRC_WG.6_9_JAM_1_E_Jamaicaeng.pdf) [date accessed 14 December 2016]

<sup>2</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the combined 3rd and 4th periodic reports of Jamaica, adopted by the Committee at its 50th session, 29 April-17 May 2013: Committee on Economic, Social and Cultural Rights, 10 June 2013, E/C.12/JAM/CO/3-4. Para 19. <http://www.refworld.org/docid/52d54a854.html> [date accessed 14 December 2016]

<sup>3</sup> WeJamaicans.com, The issue of domestic violence against women, 2 October 2014 <http://www.wejamaicans.com/issue-domestic-violence-women/> [date accessed 14 December 2016]

<sup>4</sup> UN Human Rights Council, Summary prepared by the Office of the United Nations High

## 5. Legislation and government initiatives

### 5.1 Legislation

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

‘The Domestic Violence (Amendment) Act of 2004 provides for men and women who have been victims of domestic violence to apply for the protection of the courts. This Act broadened the categories of women protected to include not just married women, but also women in common-law and visiting relationships.’<sup>5</sup>

‘The Sexual Offences Act, which was passed in 2009, repeals the Incest (Punishment) Act and certain aspects of the Offences Against the Person Act and creates new provisions for the prosecution of rape and other sexual offences, including marital rape, anonymity of complainant in rape and other sexual offences, as well as incest.’<sup>6</sup>

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

‘[The Domestic Violence (Amendment Act 2004)] continues to be used as a means of redress for women and children. It provides occupation, protection and ancillary orders for victims of domestic violence. The Act also makes special provision for women involved in residential and non-residential relationships. Proceedings under the Act may now be initiated by a third party on behalf of an abused woman and damage to property has now been recognised as a form of domestic violence.’

‘The Sexual Offences Act was passed by the House of Representatives and the Senate in 2009. It amends aspects of the Offences Against the Person Act to make new provisions for the prosecution of rape and other sexual offences. It seeks to also repeal the Incest (Punishment) Act by establishing incest offences under the Sexual Offences Act in replacement of those under the Incest (Punishment) Act. It modernizes the law relating to sexual offences both in substantive and procedural respects to afford greater protection to women and children. The number of proposed changes to the law relate to rape including marital rape, anonymity of complainant in rape and other sexual offences, as well as incest.’

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Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Jamaica, 12 February 2015, A/HRC/WG.6/22/JAM/3, Para 9, <http://www.refworld.org/docid/5539fd2f4.html> [date accessed 14 December 2016]

<sup>5</sup> UN Human Rights Council, National Report Submitted in Accordance with Paragraph 15 a) of the Annex to Human Rights Council Resolution 5/1: Jamaica, 20 August 2010, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4cbc13782> [date accessed 13 December 2016]

<sup>6</sup> UN Human Rights Council, National Report Submitted in Accordance with Paragraph 15 a) of the Annex to Human Rights Council Resolution 5/1: Jamaica, 20 August 2010, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4cbc13782> [date accessed 13 December 2016]

'The [Victims] Charter seeks to correct the imbalances between the protection of the rights of offenders and the human rights of victims. The Charter includes (a) the compensation of victims, with state responsibility for funding any proposed compensation scheme, (b) the protection by the State of children and other vulnerable groups within communities, (c) an understanding of the causes and consequences of family and domestic violence, and (d) volunteerism in victim support within communities.'<sup>7</sup>

5.1.3 Amnesty International's annual report for 2015/16 noted that:

'The government was finalizing a National Strategic Plan of Action to Eliminate Gender-based Violence in Jamaica. A Joint Select Committee of Parliament was under way to review the Sexual Offences Act 2009. Civil society organizations made recommendations during the review, which included widening the definition of rape, decriminalizing sex work, and using gender-neutral language throughout the Act.'<sup>8</sup>

5.1.4 The US State Department's annual report on human rights practices for 2015 noted that:

'Rape is illegal and carries a maximum penalty of 25 years' imprisonment. The law criminalizes spousal rape only under the following conditions: when spouses have separated or begun proceedings to dissolve the marriage; when the husband is under a court order not to molest or cohabit with his wife; or when the husband knows he suffers from a sexually transmitted infection. The law criminalizes sexual relations by an adult with a child--male or female--under the age of 16 and provides for penalties ranging from 15 years to life imprisonment.'<sup>9</sup>

'The law prohibits domestic violence and provides remedies including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to \$10,000 JMD (\$84) and six months' imprisonment.'

'No legislation addresses sexual harassment and no legal remedy exists for victims of sexual harassment, although the prime minister presented a sexual harassment bill in the House of Representatives in December. The Bureau of Women's Affairs [BWA] worked with UNESCO on a project entitled "Addressing the Gap of Gender-based Violence between the State and Vulnerable Women and Girls" to strengthen awareness of gender-based violence, sexual harassment, and the need to combat trafficking in persons. The BWA also continued to provide sensitization and training to public-sector

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<sup>7</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), Implementation of the International Covenant on Economic, Social and Cultural Rights : combined 3rd and 4th periodic reports submitted by States parties under articles 16 and 17 of the Covenant: Jamaica, 14 June 2011, E/C.12/JAM/3-4, paras 88-90, <http://www.refworld.org/docid/5069596d2.html> [date accessed 13 December 2016]

<sup>8</sup> Amnesty International, Annual report Jamaica 2015/16, <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/> [date accessed 13 December 2016]

<sup>9</sup> US State Department, Country Reports on Human Rights Practices for 2015- Jamaica, 13 April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253025> [date accessed 5 December 2016]

workers to ensure that gender considerations were integrated into all plans, policies, programs, projects, and operations.<sup>10</sup>

- 5.1.5 The UN Human Rights Committee expressed its concern in November 2016 that 'legislation provides women and girls with only limited protection against violence, including domestic violence. It notes with concern that the Sexual Offences Act (2009) reflects a narrow understanding of rape and protects against marital rape only in certain circumstances, the Domestic Violence Act (2004) does not cover sexual abuse and the draft Sexual Harassment Bill does not include sexual harassment in public spaces.'<sup>11</sup>
- 5.1.6 Full copies of the [Domestic Violence Act](#)<sup>12</sup> and the [Sexual Offences Act](#)<sup>13</sup> can be found on the Jamaican Ministry of Justice website.

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## 5.2 Government initiatives

- 5.2.1 The UN Human Rights Council's Universal Periodic Review of Jamaica in 2010 stated that:

'In addition to the legislative measures, the Government, through the Bureau of Women's Affairs which is the main state agency responsible for gender issues, has implemented projects aimed at addressing gender-based violence and sexual harassment.'<sup>14</sup>

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

'It should be noted that support to victims is provided by the Victim Support Unit of the Ministry of Justice. The Unit, the first of its kind in the Caribbean, was established in 1998 and has offices in all 14 parishes that provide advocacy, advice and counselling services to individuals against whom crimes and offences have been committed. A National Coordinator heads the Unit and in each parish there is a parish coordinator and a social worker. The Unit is also assisted by groups of volunteers selected in each district within the parish. In addition, Neighbourhood Watch Networks supported by the Ministry of National Security are being strengthened to enhance citizen protection. In 2008, the Unit served a total of 10,225 clients – 310 less than in 2007. Of the total number of clients seen, 47.7 per cent were new clients.'

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<sup>10</sup> US State Department, Country Reports on Human Rights Practices for 2015- Jamaica, 13 April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253025> [date accessed 5 December 2016]

<sup>11</sup> UN Human Rights Committee: Concluding observations on the fourth periodic report of Jamaica [CCPR/C/JAM/CO/4], 22 November 2016, paragraph 23, [http://www.ecoi.net/file\\_upload/1930\\_1481718264\\_g1626053.pdf](http://www.ecoi.net/file_upload/1930_1481718264_g1626053.pdf) [date accessed 25 January 2017]

<sup>12</sup> Jamaican Ministry of Justice, Domestic Violence Act, 1996 (last amended 2004) <http://moj.gov.jm/laws/domestic-violence-act> [date accessed 13 December 2016]

<sup>13</sup> Jamaican Ministry of Justice, Sexual Offences Act, 2011, <http://moj.gov.jm/laws/sexual-offences-act> [date accessed 13 December 2016]

<sup>14</sup> UN Human Rights Council, National Report Submitted in Accordance with Paragraph 15 a) of the Annex to Human Rights Council Resolution 5/1: Jamaica, 20 August 2010, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4cbc13782> [date accessed 13 December 2016]

'The Bureau of Women's Affairs (BWA), along with other Government agencies, NGOs and community-based organizations (CBOs), continues to conduct gender-based violence and human rights education workshops as part of a comprehensive public education programme and integrated prevention strategy to eliminate attitudes that foster, justify, and tolerate violence. Workshops are conducted in a number of organizations, schools, communities and churches across the island. The groups that have been sensitized include students, community members, police officers, guidance counsellors, social workers, service clubs and members of the justice system. Many of the programmes also target rural women. In 2008, for example, the BWA conducted 22 workshops on gender based violence with 2,446 participants in rural communities, 77 per cent of whom were women.'<sup>15</sup>

5.2.3 In April 2016 The Jamaica Observer reported that:

'Over 300 police personnel and front-line responders are to benefit from training to effectively recognise, deal with and respond to victims of rape, sexual harassment and domestic violence. The sensitivity training falls under the Domestic, Sexual and Gender-based Violence Project, which is being jointly funded by the British High Commission and the United States Embassy in Kingston at a cost of £21,136. It is being implemented by the Jamaica Constabulary Force (JCF) and the non-governmental organisation, Woman Inc. Speaking at the official launch of the project on Monday at the Spanish Court Hotel in New Kingston, Minister of National Security, Robert Montague, said the initiative is crucial, as approximately 30 per cent of homicides in the island stem from domestic violence.'<sup>16</sup>

5.2.4 The Institutions for Development and Country Department Caribbean Group's report on 'Crime and Violence in Jamaica IDB Series on Crime and Violence in the Caribbean' dated June 2016 noted that:

'Within the JCF organizational structure, the Centre for the Investigation and Sexual Offences and Child Abuse (CISOCA) has responsibility for gender-based violence. Established in 1989, CISOCA centralizes police response and investigation of sexual offences and child abuse. CISOCA aims to create an atmosphere that encourages victims and the community to report incidents of sexual offences and child abuse; ensure efficient and effective investigation into allegations of abuse; enhance the rehabilitation of victims through counselling and therapy; and conduct public education programmes on sexual offences and child abuse.'

'The centre operates seven units island-wide and has investigators at different stations across the 19 police divisions. Local police handle cases where CISOCA is not present or able to intervene. A multi-disciplinary sexual offence response team comprised of police officers, social workers, and

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<sup>15</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), Implementation of the International Covenant on Economic, Social and Cultural Rights : combined 3rd and 4th periodic reports submitted by States parties under articles 16 and 17 of the Covenant: Jamaica, 14 June 2011, E/C.12/JAM/3-4, para 92, <http://www.refworld.org/docid/5069596d2.html> [date accessed 13 December]

<sup>16</sup> Jamaica Observer, Police to receive domestic violence training, 6 April 2016, <http://www.jamaicaobserver.com/news/Police-to-receive-domestic-violence-training> [date accessed 13 December 2016]

counsellors from the Victim Support Unit are tasked with providing appropriate responses to support victims through the various stages from investigation to conviction of perpetrators. This includes the provision of adequate legal services.’<sup>17</sup>

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## 6. Prevalance of domestic violence

6.1.1 In a response provided in February 2012 to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the government of Jamaica stated:

‘[The Statistics Unit of Jamaica Constabulary Force] have indicated their inability to provide data on the number of women who have been killed annually by their husbands, intimate partners or ex-husbands since 2007 as the information is not disaggregated in this manner. However, the National Family Planning Board, with funding from USAID, conducted a 2008 Reproductive Health Survey, which reported statistics and gave some data on intimate partner violence (IPV). In summary, it explained that among every partnered female 15-49:

- 1 in 3 had experienced some combination of IPV during her lifetime
- 1 in 5 had experienced physical or sexual IPV in her lifetime
- 1 in 2 (48%) have experienced at least one controlling behaviour and
- 8% reported ever having been forced to have sex by an intimate partner.’<sup>18</sup>

6.1.2 The Inter-American Commission on Human Rights (IACHR) reported in August 2012 that:

‘The National Security Strategy in 2007 described domestic violence as ‘one of the more pervasive and common forms of violence plaguing the society. It contributes to the overall pattern of crime and violence due to its debilitating effects on the social fabric and its role in socializing the youths to violence as a means of dispute resolution. Women and children are disproportionately at risk from domestic violence.’

‘The United Nations Development Program has stated in 2010 that “the culture of aggressive masculinity makes women, children and the elderly among the most vulnerable; violence State and non-state support groups and shelters against women includes high rates of rape and assault”. A high public official from the Ministry of Justice has also been quoted in 2008 as saying that “women are more vulnerable to become victims of violence, as the seven groups which fall under the VSU [Victim Support Unit] are rape,

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<sup>17</sup> Institutions for Development and Country Department Caribbean Group, Crime and Violence in Jamaica IDB Series on Crime and Violence in the Caribbean- Anthony D. Harriott Marlyn Jones, June 2016 <https://publications.iadb.org/bitstream/handle/11319/7773/Crime-and-Violence-in-Jamaica-IDB-Series-on-Crime-and-Violence-in-the-Caribbean.pdf?sequence=4> [date accessed 14 December 2016]

<sup>18</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), Responses to the list of issues and questions with regard to the consideration of the combined 6th and 7th periodic report: Jamaica, 24 September 2012, CEDAW/C/JAM/Q/6-7/Add.1, Violence against women, para 7, <http://www.refworld.org/docid/506056262.html> [date accessed 13 December 2016]

carnal abuse, incest, attempted rape, indecent assault, domestic violence and murder, (...) it is for this reason why females continue to suffer.”

- 6.1.3 The concluding observations of the report on Jamaica by the Committee on Elimination of Discrimination against Women (CEDAW) in 2012 noted that; ‘Gender based violence is reportedly widespread and cases are underreported due to the prevalence of social and cultural norms. There is insufficient awareness and training among judges, prosecutors, police officers and health professionals on violence against women. Despite the 2008 reproductive health survey on intimate partner violence, there is limited data available on violence against women and no systematic process to collect such data.’<sup>19</sup>
- 6.1.4 Amnesty International’s annual report for 2015/16 noted that: ‘High levels of gender-based violence and domestic violence continued with high numbers of women killed by their spouse or partner.’<sup>20</sup>
- 6.1.5 The Jamaica Gleaner reported in September 2015 that: ‘According to the Jamaica Constabulary Force’s Periodic Crime Statistics Review, since the start of the year [2015], there have been some 390 reported cases of rape. [...] Quoting statistics, [United States Ambassador to Jamaica Louis G. ] Moreno said one in three Jamaican women will be a victim of violence in her lifetime, and 16 per cent of all visits to local hospitals’ emergency rooms are because of rape.’<sup>21</sup>
- 6.1.6 The same source also noted in a different report from July 2016 that ‘Data from the Jamaica Constabulary Force Statistics Unit shows that 116 female homicides were reported in 2015, up from 100 in 2014. Meanwhile, sexual violence against women and girls remains very high, especially among women 24 years and under. In 2014, females 24 years old and younger accounted for 92 per cent of all sexual violence cases, and 89 per cent in 2013.’<sup>22</sup>
- 6.1.7 The Jamaica Information Service report on ‘Domestic Violence Training for Police Personnel’ of December 2016 noted that statistic showed that: ‘[...] approximately 37 per cent of murders committed in Jamaica stem from domestic incidents. Speaking at a domestic violence/conflict resolution training session at the Jamaica Conference Centre in downtown Kingston

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<sup>19</sup> CEDAW (2012) Concluding Observations of the Committee on Elimination of Discrimination against Women, Jamaica. CEDAW/C/JAM/CO/6-7, Committee on the Elimination of Discrimination against Women, July 2012 <http://docplayer.net/18409039-Concluding-observations-of-the-committee-on-the-elimination-of.html> [date accessed 13 December 2016]

<sup>20</sup> Amnesty International, Annual report Jamaica 2015/16, <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/> [date accessed 13 December 2016]

<sup>21</sup> The Jamaica Gleaner, US Investor Warning - Jamaica To Lose Millions In Investment If Crime Not Curtailed, Says Ambassador, 18 September 2015 <http://jamaica-gleaner.com/article/lead-stories/20150918/us-investor-warning-jamaica-lose-millions-investment-if-crime-not> [date accessed 13 December 2016]

<sup>22</sup> The Jamaica Gleaner, No Place To Run! - Jamaica’s Sole Shelter For Battered Women To Be Temporarily Closed, 31 July 2016 <http://jamaica-gleaner.com/article/news/20160731/no-place-run-jamaicas-sole-shelter-battered-women-be-temporarily-closed> [date accessed 13 December 2016]

today (December 1), Portfolio Minister, Hon. Robert Montague, said the seminar will assist in resolving conflicts and saving lives. He noted that 90 per cent of domestic conflicts result from misunderstandings. “Many times persons are told to go back home and work it out,” he said, noting that without intervention, the conflict can escalate, resulting in hospitalisation or death.<sup>23</sup>

6.1.8 The Jamaica Gleaner reported in December 2016 that:

‘[...] reports of at least 10 women being murdered across the island in the last two weeks [December 2016] and 24 since the start of this year [2016], the majority by their former lovers [...] Fifteen women were murdered in domestic disputes last year [2015].’<sup>24</sup>

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## 7. Police effectiveness

7.1.1 The Inter-American Commission on Human Rights (IACHR) Jamaica report dated August 2012 noted that:

‘Domestic violence is not always viewed as a crime, in part due to the perceived lower social status of females in Jamaica. Additionally, women’s organizations claim that the way violence is presented in the media promotes it as “normal” and/or “justified” and shows violence as appealing to youth.,, Police officers are averse to enforcing laws related to domestic violence, which results in the victims’ mistrust of the law enforcement system.’<sup>25</sup>

7.1.2 The Social Institutions and Gender Index (SIGI) website noted that:

‘Both the CEDAW Committee and Amnesty International [in 2012 and 2010 respectively] suggest that the length of time taken to investigate and prosecute cases remains an issue in Jamaica, deterring women from reporting crimes, and the CEDAW Committee concludes that “[t]here is insufficient awareness and training among judges, prosecutors, police officers and health professionals on violence against women.’<sup>26</sup>

7.1.3 The concluding observations of the report on Jamaica by the Committee on Elimination of Discrimination against Women (CEDAW) noted in 2012 that: ‘A number of factors continue to deter women from reporting and pursuing sexual offences cases, including victims’ and witnesses’ fear of reprisals or retaliation and delays in the judicial process.’<sup>27</sup>

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<sup>23</sup> Jamaica Information Service, Domestic Violence Training for Police Personnel, 2 December 2016 <http://jis.gov.jm/domestic-violence-training-police-personnel/> [date accessed 13 December 2016]

<sup>24</sup> The Jamaica Gleaner, SHAME! - Twenty-Four Women Killed In 2016; Former Victim Of Domestic Violence Urges Women To Protect Themselves, 18 December 2016, <http://jamaica-gleaner.com/article/lead-stories/20161218/shame-twenty-four-women-killed-2016-former-victim-domestic-violence> [date accessed 25 January 2017]

<sup>25</sup> Inter-American Commission on Human Rights (IACHR), Report on the Situation of Human Rights in Jamaica, 10 August 2012, <http://www.oas.org/en/iachr/docs/pdf/Jamaica2012eng.pdf> [accessed 13 December 2016]

<sup>26</sup> OECD Development Centre, Social Institutions and Gender Index (SIGI) Jamaica undated, <http://www.genderindex.org/country/jamaica> [date accessed 14 December]

<sup>27</sup> CEDAW (2012) Concluding Observations of the Committee on Elimination of Discrimination against

7.1.4 The US State department annual report on human rights practices covering 2015 noted that:

‘The JCF Centre for Investigation of Sexual Offenses and Child Abuse (CISOCA) comprised a multidisciplinary team, which included police officers, social workers, and counsellors from the Victim Support Unit, that handled sex crimes and offered integrated services, including providing legal information. CISOCA officers received tailored training on sexual offense investigations.’

‘The nongovernmental organization (NGO) Woman Inc. reported that women frequently complained that police failed to treat domestic violence as a crime and take the necessary reports.’

‘NGOs expressed concern that resources were insufficient for police investigations of gender-based violence and for counseling and shelter for victims.’

‘NGOs reported the criminal justice system failed to hold perpetrators of violence against women and children accountable with the necessary urgency and seriousness.’<sup>28</sup>

7.1.5 Amnesty International’s annual report for 2015/16 noted that: ‘Major backlogs in the judiciary led to continued delays and hampered access to justice.’<sup>29</sup>

7.1.6 The UN Human Rights Council, in a February 2015 summary of evidence submitted by stakeholders to the universal periodic review, noted that:

‘IACHR [Inter-American Commission on Human Rights – Organization of American States] recommended that Jamaica eradicates the discrimination and the prevailing socio-cultural patterns which promote the repetition of violence against women and ensures that public officials involved in prosecuting cases of violence and discrimination against women are properly educated about women’s rights under domestic and international laws.’<sup>30</sup>

7.1.7 The Jamaica Observer reported in July 2016 that

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Women, Jamaica. CEDAW/C/JAM/CO/6-7, Committee on the Elimination of Discrimination against Women, July 2012 <http://docplayer.net/18409039-Concluding-observations-of-the-committee-on-the-elimination-of.html> [date accessed 13 December 2016]

<sup>28</sup> US State Department, Country Reports on Human Rights Practices for 2015- Jamaica, 13 April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253025> [date accessed 5 December 2016]

<sup>29</sup> Amnesty International, Annual report Jamaica 2015/16, <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/> [date accessed 13 December 2016]

<sup>30</sup> UN Human Rights Council, Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Jamaica, 12 February 2015, A/HRC/WG.6/22/JAM/3, Para 31, <http://www.refworld.org/docid/5539fd2f4.html> [date accessed 14 December 2016]

‘Statistics from the Jamaica Constabulary Force indicate that of the number of victims of gender-based violence who seek help, only 28 per cent go to the police, seven per cent to a healthcare provider and three per cent to the church.’<sup>31</sup>

7.1.8 In a different article from the same source Robert Montague [Minister of National Security] stressed at a law enforcement personnel training seminar ‘the importance of the need for police personnel to be able to better respond to the increasing problem of murders stemming from domestic violence.’

7.1.9 He further noted that

‘[...] there is an increase in the number of cases where men are being abused by their spouses, both male and female, but when they turn up at the police station, they are instead met with derogatory names and so the issue is not properly addressed. The security minister said that in many instances persons are often told to just go home and work it out, but this in some cases does not effectively solve the problem as in trying to work it out, the situation might escalate and result in the death of one of the parties in the dispute. He gave one instance where a man who was given this advice went home and came back with his partner’s head in a basket. He therefore encouraged participants to find better ways to facilitate the complaint.’<sup>32</sup>

7.1.10 For further information regarding the Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force see [information response produced by the Canadian Immigration and Refugee Board on 9 February 2015.](#)<sup>33</sup>

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## 8. State and non-state support groups and shelters

### 8.1 State Support groups

8.1.1 According to the US Department of State 2015 Country Report on Human Rights Practices

‘The Ministry of National Security’s Victim Support Unit, Dispute Resolution Foundation, Peace Centres, and Women’s Centres as well as various faith-based institutions offered counselling countrywide. Woman Inc. Crisis Centres in Kingston and Montego Bay provided counselling, shelter facilities, and support groups for rape victims, adult survivors of incest, and victims of gender-based violence. NGOs expressed concern that resources were

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<sup>31</sup> The Jamaica Observer, Joint Select Committee to review laws against gender-based violence, 12 July 2016 <http://m.jamaicaobserver.com/news/Joint-Select-Committee-to-review-laws-against-gender-based-violence> [date accessed 14 December 2016]

<sup>32</sup> The Jamaica Observer, Montague urges cops to draw on other resources to curb domestic violence, 5 December 2016, [http://m.jamaicaobserver.com/news/Montague-urges-cops-to-draw-on-other-resources-to-curb-domestic-violence\\_82586](http://m.jamaicaobserver.com/news/Montague-urges-cops-to-draw-on-other-resources-to-curb-domestic-violence_82586) [date accessed 14 December 2016]

<sup>33</sup> Immigration and Refugee Board of Canada, Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015), 9 February 2015, JAM105038.E, <http://www.irbcisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717&pls=1> [date accessed 14 December 2016]

insufficient for police investigations of gender-based violence and for counselling and shelter for victims.<sup>34</sup>

- 8.1.2 The UN Human Rights Committee noted in December 2016 that it ‘regrets the lack of shelters for victims of domestic violence (art. 7).’<sup>35</sup>

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## 8.2 NGO’s

- 8.2.1 Do Good Jamaica’s profile on Woman Incorporated (Woman Inc.) stated that they are a:

‘registered charitable non-governmental organisation. It was established in 1984 and in February 1985 the Crisis Center for Women was opened, offering crisis counselling, referral services and a 24 hour hot line. The issues addressed by Women Inc. include rape, incest, domestic violence, domestic crisis and sexual harassment. The Crisis Shelter was opened in 1988 to offer short term shelter to battered women.’<sup>36</sup>

- 8.2.2 According to the UN Women, Global database on violence against women, Shelters for Victims of Violence 2008:

‘The Bureau of Women’s Affairs collaborated with the Sisters to Sisters Project to raise funds for the building of shelters for victims of violence and their families. In addition, Food for the Poor an NGO recently provided the physical structure and furniture for a two- bedroom unit to serve as an overnight shelter to a family who is a victim of violence or in need of overnight shelter.’<sup>37</sup>

- 8.2.3 In July 2016 The Jamaica Gleaner reported that the shelter operated by Woman Incorporated was to be temporarily closed:

‘The Crisis Shelter operated by non-governmental organisation Woman Incorporated is the only facility in the island providing a safe haven for women living in fear, despite several promises by government representatives over the years to establish three shelters for women in need of protection. But the facility, which was opened in 1987, is now in dire need of repairs and is accepting only emergency cases. The shelter is able to accommodate only eight battered women and any children they might have, at any one time. Generally, women are given only two weeks at the shelter. However, allowance can be made for those whose cases are extreme. Each

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<sup>34</sup> US State Department, Country Reports on Human Rights Practices for 2015- Jamaica, 13 April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253025> [date accessed 5 December 2016]

<sup>35</sup> UN Human Rights Committee: Concluding observations on the fourth periodic report of Jamaica [CCPR/C/JAM/CO/4], 22 November 2016, paragraph 23, [http://www.ecoi.net/file\\_upload/1930\\_1481718264\\_g1626053.pdf](http://www.ecoi.net/file_upload/1930_1481718264_g1626053.pdf) [date accessed 25 January 2017]

<sup>36</sup> Do Good Jamaica, Woman Incorporated (Crisis Centre) profile, undated [http://www.dogoodjamaica.org/organizations/woman\\_incorporated\\_crisis\\_centre](http://www.dogoodjamaica.org/organizations/woman_incorporated_crisis_centre) [date accessed 14 December]

<sup>37</sup> UN Women, Global database on violence against women, Shelters for Victims of Violence 2008 <http://evaw-global-database.unwomen.org/en/countries/americas/jamaica/2008/shelters-for-victims-of-violence> [date accessed 13 December 2016]

of the women also benefits from counselling services, and efforts are often made to include their abusers in these sessions.<sup>38</sup>

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<sup>38</sup> The Jamaica Gleaner, No Place To Run!' - Jamaica's Sole Shelter For Battered Women To Be Temporarily Closed, 31 July 2016 <http://jamaica-gleaner.com/article/news/20160731/no-place-run-jamaicas-sole-shelter-battered-women-be-temporarily-closed> [date accessed 13 December 2016]

# Version control and contacts

## Contacts

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## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **30 January 2017**

## Changes from last version of this note

Update of country information and review/refresh of policy guidance.

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