



Home Office

Country Policy and Information Note

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

Version 2.0

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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

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

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

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1. Introduction

1.1 Basis of claim

- 1.1.1 Whether in general those at risk of persecution or serious harm from non-state actors are able to seek effective state protection and/or internally relocate within Jamaica.

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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 Protection

- 2.2.1 The Jamaica Constabulary Force (JCF) has primary responsibility for internal security in Jamaica, but its effectiveness is undermined by being underpaid, poorly trained, understaffed and lacking in resources generally. While local police assistance is available throughout the country, and the police continue make arrests for criminal acts, they are unable to patrol and protect all neighbourhoods. In addition, corruption and impunity for abuses committed by the police has led to mistrust amongst citizens (see [Security apparatus, Police; and Effectiveness](#)).
- 2.2.2 Since 2009, the government has committed to a long-term strategy to improve crime prevention and community safety, leading to better co-ordination of the work of government and other bodies (see [Government strategies for managing crime](#)).
- 2.2.3 This has led to some reforms of the police, including the introduction of socially centred programmes, community policing, neighbourhood watch and police run youth clubs. The numbers of police personnel have increased from the late 2000s, and crime rates, particularly of violent crime including murder, have generally fallen since 2009 but has fluctuated in 2015-16. There are also signs that the Anti-Corruption Branch merged with a newly created Major Organized Crime and Anti-Corruption Agency has made progress in combating corruption and unethical behaviour in the police, with over 500

officers resigning or being dismissed following corruption violations (see [Security apparatus, Corruption](#)).

- 2.2.4 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. In recent years, INDECOM has intensified its efforts to hold police accountable for their actions (see [Avenues of redress](#)).
- 2.2.5 The law provides for an independent judiciary and Jamaica has an established legal system, including prosecution, courts, sentencing and imprisonment. However, the system's effectiveness is hampered by a large backlog of cases, underfunding, lack of witness co-operation, shortage of judges and corruption. As a result, there are significant delays in processing cases. Some convictions rates, for example for murder, are low (see [Judiciary](#)).
- 2.2.6 In the country guidance case of [AB \(Protection-criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018](#) (heard on 19 December 2006 and promulgated on 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 (see para 150).
- 2.2.7 In doing so, the Tribunal reconfirmed the guidance given in [JS \(Victims of gang violence, Sufficiency of protection\) Jamaica \[2006\] UKAIT 00057 \(21 July 2006\)](#) (heard on 20 February and 8 May 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.'
- 2.2.8 While there are weaknesses in the criminal justice system, in particular the sluggish court system, the government has instituted a number reforms since 2006/7 which have led to some improvements in security and the availability of state protection.
- 2.2.9 The Home Office does not consider that there are very strong grounds supported by cogent evidence to depart from the findings in [AB](#) or [JS](#).
- 2.2.10 In general, a person fearing non-state agents (including rogue state officials) is likely to be able to obtain effective state protection. The onus is on the person to demonstrate otherwise. Each case must be determined on its facts.
- 2.2.11 For further guidance on protection see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).
- 2.2.12 For information in the context of organised crime, see [CPIN on Jamaica: Fear of Organised Criminal Gangs](#).

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2.3 Internal relocation

- 2.3.1 The law provides for freedom of internal movement and the government respects these rights (see [Freedom of movement](#)).
- 2.3.2 Where a person fears a non-state actor they may be able to avoid this by moving elsewhere but only if the risk is not present there and if it would not be unreasonable to expect them to do so.
- 2.3.3 Jamaica is a relatively small island of around 4,000 sq. miles and a population of 2.9 million, around a fifth of whom live in the capital, Kingston (see [Geography](#)). This increases the possibility of a persecutor, if so motivated, being able to pursue the person and limits the scope for internal relocation.
- 2.3.4 In general, internal relocation may be reasonable but will depend the facts of the case.
- 2.3.5 For further guidance on internal relocation, see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).

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3. History

3.1.1 Encyclopaedia Britannica, in its article on Jamaica stated that:

‘Jamaica [is an] island country of the West Indies...Christopher Columbus, who first sighted the island in 1494, called it Santiago, but the original indigenous name of Jamaica, or Xaymaca, has persisted. Columbus considered it to be “the fairest isle that eyes have beheld,” and many travellers still regard it as one of the most beautiful islands in the Caribbean.

‘The island’s various Spanish, French and English place-names are remnants of its colonial history; the great majority of its people are of African ancestry, the descendants of slaves brought by European colonists. Jamaica became independent from the United Kingdom in 1962 but remains a member of the Commonwealth.’¹

3.1.2 An [overview](#) and [timeline](#) of Jamaica’s history can be found on the BBC website^{2 3}.

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4. Geography

4.1 Physical geography

4.1.1 Jamaica is the third largest island in the Caribbean Sea. It is about 146 miles (235km) long and ranges from 22 to 51 miles (35 to 82km) wide, with a total land area of 10,831 sq.km (4,182 miles square), about half the size of Wales⁴.

4.1.2 According to World Atlas, in its article on Jamaica – Geography:

‘...[Jamaica is] mostly mountainous, with a narrow, discontinuous coastal plain. The island is ringed by numerous bays, small cays and islands, and white-sand beaches stretch for miles in some areas. Volcanic in origin, Jamaica can be divided into three landform regions: the eastern mountains, the central valleys and plateaus, and the coastal plains.

‘The most elevated area is the Blue Mountains in eastern Jamaica. The highest point is Blue Mountain Peak at 7,402 feet... Other mountain ranges of note include the John Crow, Dry Harbour and the southern Manchester Plateau. The limestone plateau covers two-thirds of Jamaica, and their caves, caverns, sinkholes and valleys and scattered about in large numbers.

‘To the west of the mountains is the rugged terrain of the Cockpit Country. It is

¹ Encyclopaedia Britannica, ‘Jamaica’ (Introductions and Quick Facts), Updated 11 January 2018, <https://www.britannica.com/place/Jamaica> Accessed: 22 November 2017

² BBC News, ‘Jamaica – Country Profile’ 4 July 2017, <http://www.bbc.co.uk/news/world-latin-america-18784061> Accessed: 22 November 2017

³ BBC News, ‘Jamaica – Profile – Timeline’ 4 July 2017, <http://www.bbc.co.uk/news/world-latin-america-18784730> Accessed: 22 November 2017

⁴ CIA World Factbook, ‘Jamaica’ (Geography), 14 November 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> Accessed: 22 November 2017

a harsh, dramatic landscape filled with endless hills. As for rivers, there are over 100 in Jamaica, however, most are small, unexplored and not navigable; many are mostly underground rivers and run through the limestone region. The Black River is the largest (widest) river at 73 km long. The Rio Minho is the longest river in Jamaica.’⁵

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4.2 Human geography

- 4.2.1 The island is divided into 3 counties: Cornwall, Middlesex and Surrey. The counties are subdivided into 14 parishes. Each parish has a capital, which is typically the centre of commerce. Two parish capitals, Montego Bay in St. James and Kingston, have city status. Kingston, located on the island’s southeast end, is Jamaica’s capital⁶.
- 4.2.2 The population of is estimated to be about 2.9 million, with around 588,000 living in Kingston. About 92% of the population is black and 6% is mixed. Other ethnic groups include East Indians (0.8%), other (0.4%), unspecified (0.7%)⁷.
- 4.2.3 According to Encyclopaedia Britannica: ‘English, the official language, is commonly used in towns and among the more-privileged social classes. Jamaican Creole is also widely spoken. Its vocabulary and grammar are based in English, but its various dialects derive vocabulary and phrasing from West African languages, Spanish, and, to a lesser degree, French. The grammatical structure, lyrical cadences, intonations, and pronunciations of Creole make it a distinct language.’⁸
- 4.2.4 This [map of Jamaica](#) shows major cities, towns, country capital and country boundary⁹.

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5. Economy

5.1 Overview

- 5.1.1 The World Bank Overview of Jamaica, last updated on 29 September 2017 noted that:

‘...Jamaica is vulnerable to natural disasters including hurricanes, flooding and the effects of climate change. It is an upper middle income country but struggles with low growth, high public debt and many external shocks which weaken its economy. Over the last 30 years, real per capita GDP increased at

⁵ World Atlas, ‘Jamaica - Geography’ Undated, <http://www.worldatlas.com/webimage/countrys/namerica/caribb/jamaica/jmland.htm> Accessed: 22 November 2017

⁶ Jamaica Information Service, Government of Jamaica, ‘Overview of Jamaica, Parish Profiles’ <http://jis.gov.jm/information/parish-profiles/> Accessed: 2 January 2018

⁷ CIA, ‘World Factbook – Jamaica’ (Ethnic Groups), Updated 17 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> Accessed: 29 December 2017

⁸ Encyclopaedia Britannica, ‘Jamaica’ (People, Languages), 11 January 2018, <https://www.britannica.com/place/Jamaica> Accessed: 11 January 2018

⁹ Maps of World, Jamaica Cities Map, <https://www.mapsofworld.com/jamaica/cities-map.html> Accessed: 8 February 2018

an average of just one percent per year, making Jamaica one of the slowest growing developing countries in the world. By 2012 Jamaica had accumulated debt equal to 145 percent of GDP.

'To stabilize the economy, reduce debt and fuel growth, the government is implementing an ambitious reform program which has garnered national and international support. As part of a comprehensive package, the World Bank and the Inter-American Development Bank each agreed to provide US\$510 million between April 2013 and March 2017, while the International Monetary Fund (IMF) committed a US\$932 million funding program through its Extended Fund Facility (EFF) covering the same four-year period. At the end of 2016, the IMF approved a three-year US\$1.64 billion program under the Stand-By Arrangement as a follow-up to the now concluded EFF. In addition, the International Finance Corporation (IFC) continues to support private sector development in Jamaica.'¹⁰

5.1.2 The CIA Factbook observed:

'The Jamaican economy is heavily dependent on services, which accounts for more than 70% of GDP. The country continues to derive most of its foreign exchange from tourism, remittances, and bauxite/alumina. Earnings from remittances and tourism each account for about 15% of GDP, while bauxite/alumina exports have declined to less than 5% of GDP.

'Jamaica's economy has grown on average less than 1% a year for the last three decades and many impediments remain to growth: a bloated public sector which crowds out spending on important projects; high crime and corruption; red-tape; and a high debt-to-GDP ratio.'¹¹

5.1.3 Unemployment was estimated to be around 12.2% of the workforce in 2017. Average Gross Domestic Product (which provides an approximation of income) per person was estimated to be US\$9,200 in 2017 at purchasing power parity (i.e. the value of the same goods and services if produced in the USA). Around 16.5% of the population lived below the poverty line in 2009.¹²

5.1.4 The Jamaican Dollar Exchange Rate for 2 February 2018 is \$171.69 to £1. Please see [European Commission Infoeuro Currency Converter](#)¹³.

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5.2 Government social support

5.2.1 The [US Social Security Office of Retirement and Disability Policy](#) provides a summary of Social Security Programs available in Jamaica.¹⁴

¹⁰ World Bank, 'Jamaica Overview' 29 September 2017, <http://www.worldbank.org/en/country/jamaica/overview> Accessed: 22 November 2017

¹¹ CIA, 'World Factbook – Jamaica', 20 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> Accessed: 24 January 2018.

¹² CIA, 'World Factbook – Jamaica', 20 January 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> Accessed: 24 January 2018

¹³ European Commission Infoeuro Currency Converter, http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/index_en.cfm Accessed: 8 February 2018

¹⁴ US Social Security Office of Retirement and Disability Policy, Jamaica, <https://www.ssa.gov/policy/docs/progdesc/ssptw/2014-2015/americas/jamaica.html> Accessed: 8

6. Political system

6.1 Constitution

6.1.1 See [Constitution of Jamaica](#) ¹⁵.

6.2 Political parties

6.2.1 Encyclopaedia Britannica explained that:

‘The two main political parties are the Jamaica Labour Party (JLP) and the People’s National Party (PNP), and between them they have dominated legislative elections since the country’s independence, to the virtual exclusion of any third party. The adversarial nature of Jamaican politics conceals broad agreement on constitutionalism, public education, and social welfare.

‘The PNP, founded in 1938 as a democratic socialist party, leans more to the left than the more centrist and conservative JLP. Ethnic minorities (such as the descendants of Indian and Chinese immigrants) have participated in politics at the highest levels. Women have served with distinction in the House of Representatives (HoR), Senate, and Cabinet, although men still predominate numerically. In 2006 Portia Simpson Miller became the first female President of the PNP and the first woman to serve as Prime Minister.’

¹⁶

6.3 Electoral process

6.3.1 Freedom in the World 2016, published in August 2016, noted that:

‘...The leader of the party or coalition holding a majority in the HoR is appointed as Prime Minister by the Governor General, who represents the British Monarch as Head of State. The Governor General is nominated by the Prime Minister and approved by the Monarch.

‘In September 2011, JLP Leader and Prime Minister Bruce Golding abruptly announced his resignation, a move widely interpreted to have [arose] 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. In December 2011 elections, the PNP captured 41 seats in Parliament, while the JLP took only 22 seats. PNP chief Portia Simpson-Miller became Prime Minister in January

February 2018

¹⁵ The Jamaica Constitution Order in Council 1962, <http://www.refworld.org/docid/3ae6b4ed28.html>
Accessed: 8 February 2018

¹⁶ Encyclopaedia Britannica, ‘Jamaica’ Government and Society, Undated,
<https://www.britannica.com/place/Jamaica/Government-and-society> Accessed: 29 December 2017

2012; she had previously held the position in 2006 and 2007.’¹⁷

- 6.3.2 Freedom in the World 2017, published in September 2017, considered that ‘Jamaica’s political institutions are democratic, with competitive elections and orderly rotations of power.’ It went on to state that: ‘...The JLP won a narrow victory in the February [2016] legislative elections, pushing the incumbent PNP into opposition. Monitors deemed the elections competitive and credible, but noted some instances of election-related violence...JLP leader Andrew Holness was sworn in as the new Prime Minister in March 2016.’¹⁸

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6.4 Government

- 6.4.1 According to the webpage of the Government of Jamaica:

‘Under the Jamaica (Constitution) Order in Council of 1962, by which the island achieved independence from the United Kingdom, Jamaica is a constitutional monarchy with a parliamentary system of government. Citizens at least 18 years of age are eligible to vote. Jamaica has had universal suffrage since 1944.

‘The Prime Minister, who is head of government, is appointed by the leading political party from its parliamentary members. The British monarch, who is titular head of state, follows the Prime Minister’s recommendation in appointing a Jamaican Governor-General who has largely ceremonial powers. The principal policy-making body is the cabinet, which consists of the Prime Minister and at least 11 other Ministers.

‘The bicameral parliament consists of the HoR and the Senate. The House has 63 members, who are directly elected. The Speaker and deputy Speaker are elected by the House from its members. The Senate has 21 members, who are appointed by the Governor-General—13 in accordance with the advice of the Prime Minister and eight on the advice of the leader of the opposition party. Senators are appointed for the duration of a single parliamentary term. The President and deputy President of the Senate are elected by its members. General elections must be held at least once every five years, and the governing party may choose to hold early elections.’¹⁹

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7. Security apparatus

7.1 Government strategies for managing crime

- 7.1.1 A report by the Inter-American Development Bank of June 2016, based largely on a review of available academic and official literature on crime and violence in Jamaica, observed:

‘Jamaica’s [Vision 2030 National Development Plan](#) (passed in 2009), National

¹⁷ Freedom House, ‘Freedom in the World 2016 – Jamaica’ (Political Rights and Civil Liberties) <https://freedomhouse.org/report/freedom-world/2016/jamaica> Accessed: 22 November 2017

¹⁸ Freedom House, ‘Freedom in the World 2017 – Jamaica’ (Executive Summary) 1 September 2017, <https://freedomhouse.org/report/freedom-world/2017/jamaica> Accessed: 22 November 2017

¹⁹ Encyclopaedia Britannica, ‘Jamaica’ Government and Society, Undated, <https://www.britannica.com/place/Jamaica/Government-and-society> Accessed: 29 December 2017

Crime Prevention and Community Safety Strategy (2010), and Unite for Change Initiative (2013) constitute an infrastructure with the potential to integrate and coordinate crime prevention and community safety. The NCPCSS is a long-term safety plan to chart a new course of action for the next decade by developing safety and security initiatives and integrating and co-ordinating the work of government ministries, departments, and agencies with private sector groups, civil society, and international development partners to achieve sustainable and coordinated crime and violence reduction and prevention. The NCPCSS is driven by an action plan that is flexible and evidence-based.’²⁰

‘As part of this restructuring, several secretariats or units with crime and violence reduction mandates have been created or have merged within or across partner ministries, departments, and agencies. These initiatives were undertaken to enhance education and health outcomes, change behavioural patterns of youth, establish justice reform initiatives, build law enforcement capacity, dismantle organised criminal groups, and establish oversight responsibilities to protect the integrity of law enforcement.

‘These measures go beyond government initiatives and reflect the involvement of other actors. Several ministries and their associated departments and agencies constitute the core crime prevention and community safety apparatus for the island...’²¹

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7.2 Police

7.2.1 According to the U.S Department of State 2016 Country Report on Human Rights published in March 2017:

‘The [[Jamaica Constabulary Force](#)] JCF has primary responsibility for internal security. The Jamaica Defence Force (JDF), including the Coast Guard, has responsibility for national defence, maritime narcotics interdiction, and JCF support. The JCF often conducted joint operations with the support of the JDF, in particular high-crime areas. The Ministry of National Security exercises the prime minister’s authority for oversight of the JCF and JDF.’²²

‘The JCF maintained divisions for community policing, special response, intelligence gathering, and internal affairs. The Passport, Immigration, and Citizenship Agency has responsibility for migration. Civilian authorities maintained effective control over the JCF and JDF. The government made limited efforts to investigate and punish abuse and corruption in general.

‘The Independent Commission of Investigations (INDECOM) investigates 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,

²⁰ Jamaica’s Vision 2030 National Development Plan, <http://www.vision2030.gov.jm/National-Development-Plan> Accessed: 8 February 2018

²¹ Inter-American Development Bank, ‘Crime and Violence in Jamaica’ (p47-48), 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&isAllowed=y>. Accessed: 25 January 2018.

²² Jamaica Constabulary Force, <https://www.jcf.gov.jm/> Accessed: 8 February 2018

when appropriate, forwards cases to the Director of Public Prosecutions (DPP) for prosecution.

'Lengthy trials with numerous delays continued to be a systemic problem (not confined to cases involving police officers). As of 14 October [2016], the DPP and INDECOM had 100 active cases of criminal charges against 93 government security officials for their alleged involvement in unlawful killings or other abuses. On 1 July 2016, a seven-member jury found JCF Constable Wayne Hamil guilty of wounding with intent for the unlawful shooting of a civilian in Hanover in 2014'²³

7.2.2 A report by the Inter-American Development Bank (IADB) of June 2016, based largely on a review of available academic and official literature on crime and violence in Jamaica, observed:

'The JCF has primary responsibilities for law enforcement... In the recent past, Jamaica had a low force density and a proportionately smaller percentage of its population employed in public security than many other Caribbean and Latin American countries. However, from 2009 to 2013 the government significantly increased police density by 19 percent [to around 1 police office to 200 citizens; based on there being 13,600 police personnel against a total population for Jamaica of 2.7million].'²⁴

7.2.3 The same source noted a rise in police numbers from 11,427 personnel in 2009 to 13,654 in 2013.²⁵ However, a Canadian Immigration and Refugee Board response, citing various sources, refers to JCF numbers of between 8,400 and 9,900 in 2011 to approximately 11,000 in 2014.²⁶ The JCF website in an entry dated March 2015 stated that there were about 12,000 JCF members.²⁷

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7.3 The Island Special Constabulary Force

7.3.1 The IADB report noted that:

'The Island Special Constabulary Force was merged into the JCF to create a single command and implementation structure to eliminate duplication in administrative services, expand the skill set of police personnel, and

²³ US Department of State, 'Country Report on Human Rights Practices' (Section 1, Role of the Police and Security Apparatus), 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 24 November 2017

²⁴ Inter-American Development Bank, 'Crime and Violence in Jamaica' (p49-50), 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&isAllowed=y>. Accessed: 25 January 2018.

²⁵ Inter-American Development Bank, 'Crime and Violence in Jamaica' (p50), 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&isAllowed=y>. Accessed: 25 January 2018.

²⁶ Canadian Immigration and Refugee Board (CIRB), JAM105038.E. 'Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015)', 9 February 2015, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717>. Accessed: 25 January 2018.

²⁷ Jamaica Constabulary Force, 'About us', 20 March 2015, <https://www.jcf.gov.jm/about-us>. Accessed: 25 January 2018.

rationalize and centralize training. The merger was first recommended by the Wolfe Report (1991) and subsequently reiterated in five independent reports.[...] Prior to the merger, each auxiliary force had separate legislative authority and specific areas of control and geographic areas of responsibility.

‘For more than two decades, national and international organisations such as Americas Watch (1986) and Amnesty International (2000) have consistently identified high levels of police brutality and extra-judicial killings in Jamaica. The UN Special Rapporteur - Mission to Jamaica found evidence of excessive use of force by the police and also raised concerns about the outcome of the June 2002 West Kingston Commission of Enquiry (June 2002). Similar concerns have been raised with respect to law enforcement activities during the May June 2010 police operations in Tivoli Gardens and the subsequent state of emergency (Amnesty International 2011).’²⁸

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7.4 The Centre for the Investigation and Sexual Offences and Child Abuse

7.4.1 The IADB continued 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 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.

‘According to the JCF’s 2012 Annual Report, 1,564 cases of sexual offences and child abuse were reported to CISOCA, and 409 arrests were made that year. Fifty-one cases were submitted to the Director of Public Prosecution for rulings, and in six of those cases recommendations were made for the offender to participate in the Diversion Program. Table 3.2 shows the reports to CISOCA for 2013.’²⁹

²⁸ Inter-American Development Bank, ‘Crime and Violence in Jamaica’ (p50), 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&isAllowed=y>. Accessed: 25 January 2018.

²⁹ Inter-American Development Bank, ‘Crime and Violence in Jamaica’ (p50), 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&isAllowed=y>. Accessed: 25 January 2018.

7.5 The Crime Prevention Community Safety and Security Branch

7.5.1 The IADB report also stated:

'Police-citizen relations, a problem area for the JCF, are handled by the Crime Prevention Community Safety and Security Branch. This branch subsumed the role of the defunct Community Relations Branch, which was developed and mandated to rebrand police partnerships with citizens. It now implements security and safety strategies developed by several committees, secretariats, and working groups and works to build safer communities through community policing and by boosting public confidence, supporting programmes such as Police Youth Clubs and Neighbourhood Watch, conducting activities such as school visits, and participating in church services and other community events. However, police citizen relations are still fraught with difficulties. Despite recent declines,[...] the number of civilian fatalities remains high, [...] attracting the attention of national, regional, and international human rights bodies. Police-citizen relations have long been identified as a problem in Jamaica, thus serious attention should be given to this issue.'³⁰

7.5.2 For further background see the [JCF website](#) and the [Canadian Immigration and Refugee Board response on the JCF](#)^{31 32}

7.6 Police abuse

7.6.1 Amnesty International Report 2016/17 noted that:

'In June [2016], a Commission of Enquiry published its much-anticipated report into the events that took place in Western Kingston during the state of emergency, declared on 23 May 2010, which left at least 69 people dead. Almost 900 pages long, the report identified a number of cases of possible extrajudicial execution and produced a number of important recommendations for police reform.

'In an official response, the JCF accepted a number of recommendations, such as committing to hold administrative reviews into the conduct of officers named in the Commissioners' report. However, the police continued to refuse to accept any responsibility for human rights violations or extrajudicial executions during the state of emergency.

'By the [2016], the government had still not officially indicated how it would implement the recommendations of the Commissioners. While the number of killings by police have significantly reduced in recent years, 111 people were killed by law enforcement officials in 2016, compared with 101 in 2015. Women whose relatives were killed by police, and their families, experienced

³⁰ Inter-American Development Bank, 'Crime and Violence in Jamaica' (p51), 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&isAllowed=y>. Accessed: 25 January 2018.

³¹ Jamaica Constabulary Force, <https://www.jcf.gov.jm/> Accessed: 8 February 2018

³² Canadian Immigration and Refugee Board Response on the JCF, 1 December 2010, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453251> Accessed: 8 February 2018

pervasive police harassment and intimidation, and faced multiple barriers to accessing justice, truth and reparation.’³³

7.6.2 According to the U.S Department of State 2016 Country Report on Human Rights, published in March 2017:

‘... While there were no reports that the government or its agents committed politically motivated killings, there were reports that government security forces committed arbitrary or unlawful killings. Independent Commission of Investigations (INDECOM) statistics indicated that 92 persons were killed by government security forces through October [2016], an approximately 10 percent increase over the same period in 2015...

‘... A government-established commission completed its inquiry and in June [2016] released its final report into the activities of the security forces during the 2010 Tivoli Gardens security operation that left at least 73 civilians and one security force member dead. The report recommended the government provide an apology, facilitate reparations, and implement police reform. The report provided numerous other recommendations aimed at holding security forces accountable and preventing the "large-scale loss of lives during the operations of the security forces." The government established on 13 September [2016] a cabinet-level committee to review the recommendations and determine appropriate steps for implementation. The JCF removed three senior leaders from positions of responsibility because of the Commission's Report...’³⁴

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7.7 Effectiveness

7.7.1 The Canadian Immigration and Refugee Board noted, in a response citing various sources, on events up to 2014:

‘Sources indicate that Jamaica has been attempting to reform its police force (UN 2012, 98; US 2014). According to the Ministry of National Security, in December 2008, Jamaica began developing the National Crime Prevention and Community Safety Strategy (NCPSS), a ten-year plan to reduce crime and violence, which involved input from multiple government ministries, including the Ministry of Education, Ministry of Justice, the Planning Institute of Jamaica, the Jamaica Social Investment Fund, the Social Development Commission, and the JCF's CSSB, as well as from over 50 consultations with stakeholders, including public and private bodies, non-governmental organisations (NGOs) and residents (Jamaica n.d.b). The plan includes several international development partner-funded "social-intervention programs" and "socially-centred" programs operated by the JCF (ibid.). The plan includes initiatives by the JCF for community policing, neighbourhood watch and police youth clubs (ibid.). According to the US INCSR, the Commissioner of the JCF has been making "steady progress" toward

³³ Amnesty International , ‘2016/17 Report’ (Police and Security Forces), <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/> Accessed: 24 November 2017

³⁴ US Department of State, ‘Country Report on Human Rights Practices’ 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 24 November 2017

reforming the JCF (US 2014).'³⁵

7.7.2 The Overseas Security Advisory Council (OSAC) Report covering events in 2015 noted that:

'Organised crime elements are prevalent and extremely active. Most criminal activity is gang-related. The police are only able to make arrests in 45 percent of homicides annually, and they only convict perpetrators in seven percent of the homicide cases. This leads both the public and police to doubt the effectiveness of the criminal justice system, leading to vigilantism, which exacerbates the cycle of violence. Based on their past experiences, most civilians fear that the authorities cannot protect them from organised criminal elements and could be colluding with criminals, leading citizens to avoid giving evidence or witness testimony.

'...Police are unable to adequately patrol and protect most neighbourhoods, so burglaries are quite common. Most wealthy residents hire private, armed guard forces to deter criminals.

'...Local police assistance is available throughout the island. The JCF is considered to be underpaid, poorly trained, and understaffed. Police support for foreign victims of crimes varies 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 UK law enforcement entities, they endure a lack of funding, resources, and management.'³⁶

7.7.3 The OSAC report covering events in 2015 noted that:

'...Police corruption and police involvement in criminal activity is not uncommon. Citizens are often indifferent to police authority, adding to a perceived sense of lawlessness. The general perception is that the majority of crime victims do not report crimes against them due to fear of reprisals by the police, the belief that police are corrupt, or the feeling that nothing would come from such reports. Reporting crime can seem archaic, and the confusing, lengthy process is widely believed to be a waste of time except for the most serious of crimes where a police report is required for insurance purposes.'³⁷

7.7.4 The USSD International Narcotics Control Strategy Report covering events in 2016 noted in regard to Jamaica: 'The government and law enforcement authorities are committed to combating narcotics and illicit trafficking. However, their efforts were only moderately effective in 2016 because of insufficient resources, corruption, an inefficient criminal justice system and the

³⁵ CIRB, JAM105038.E. 'Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015)', 9 February 2015, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717>. Accessed 25 January 2018.

³⁶ US Department of State (USSD), 'Overseas Security Advisory Council Jamaica 2016 Crime and Safety' (Crime Threats and Police Response) <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=19562> Accessed: 29 December 2017

³⁷ USSD, 'Overseas Security Advisory Council Jamaica 2016 Crime and Safety' (Crime Threats and Police Response), Undated, <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=19562> Accessed: 24 November 2017

inability of lawmakers to adopt meaningful legislation to combat corruption.’³⁸

7.7.5 The USSD International Narcotics Control Strategy Report covering events in 2016 further noted:

‘The United States supports a wide range of efforts designed to address crime and violence affecting Jamaica, primarily through the Caribbean Basin Security Initiative (CBSI)... CBSI funding to advance Jamaica’s transformation into a more secure, democratic, and prosperous partner is a major U.S policy goal. Narcotics trafficking, corruption, and related crime undermine the rule of law, democratic governance, economic growth, and the quality of life for all Jamaicans. Success in combating crime depends on a comprehensive approach that recognizes the link between drugs, gangs, organised crime, poverty, unemployment, lack of educational opportunities, and government corruption. As such, the U.S. government supports a number of initiatives which build safer communities through strengthening civil society organizations, supporting at-risk youth programs, and improving community policing practices. The U.S government also provides technical assistance and training to the Ministry of Justice Drug Treatment Court Program.

‘CBSI support to Jamaica includes training, equipment and logistical assistance for: the prevention and interdiction of narcotics and firearms trafficking; combatting cyber-crime, money laundering, financial crime, lottery scams, and organised crime; improving Jamaica’s efforts to seize and forfeit criminally-acquired assets; and enhancing Jamaica’s maritime law enforcement capabilities and maintenance and logistics systems through support for the JCF Marine Division and the JDF Coast Guard.

‘The United States also funds projects to improve the effectiveness of Prosecutors and the Courts, the National Forensic Sciences Laboratory, and the Financial Investigation Division of the Ministry of Finance. Indirect support for law enforcement occurred through projects to build community-police relations, improve police training facilities and techniques, and strengthen efforts to reduce police corruption and excess use of force.’³⁹

7.7.6 The UK has also committed funding to improve the safety and security of around 4000,000 people in 50 communities and combating organised crime.

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7.8 Community policing

³⁸ USSD, ‘International Narcotics Control Strategy Report, Volume 1, Drug and Chemical Control’ (p194), March 2017, <https://www.state.gov/documents/organization/268025.pdf>. Accessed: 25 January 2017.

³⁹ USSD, ‘International Narcotics Control Strategy Report, Volume 1, Drug and Chemical Control’ (p197), March 2017, <https://www.state.gov/documents/organization/268025.pdf>. Accessed: 25 January 2017.

⁴⁰ UK Department of International Development, DFID Caribbean Profile: July 2017, Undated, <https://www.gov.uk/government/publications/dfid-caribbean-profile-july-2017>. Accessed: 25 January 2018.

⁴¹ Foreign and Commonwealth Office, Annual Review – Summary Sheet, Caribbean – Serious and Organised Crime, Undated, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668233/Caribbean_Serious_Organised_Crime_Annual_Review.pdf. Accessed: 25 January 2018.

7.8.1 The Canadian Immigration and Refugee Board continued that:

'Several sources indicate that the JCF is pursuing a community policing initiative (ibid. 27 Feb. 2014, 8; ODI May 2014, 23; Jamaica [2014]b). On its website, the JCF states that its corporate strategy "mandates the employment of community policing in its efforts to fight crime in Jamaica" (ibid. 19 Feb. 2013). The Minister of National Security noted in 2014 that the JCF had a 30-40 year history of a militarized-style of policing, but that the force was moving away from that style of policing and placing more emphasis on community-style policing, in order to have a "less combative approach to policing" and to "engender good relations between the police and citizens" (ibid. [2014]b). Country Reports 2013 states that the aim of community policing is "to address the long-standing antipathy between the security forces and many poor inner-city neighbourhoods" (US 27 Feb. 2014, 8).

'According to the JCF annual report for 2013, the JCF's Community Safety and Security Branch (CSSB), which is responsible for improving citizenship partnership with the JCF, trained 274 school resource officers and launched 25 Police Youth Clubs, which have a membership of 11,000, as part of their efforts to improve relations with communities (Jamaica [2014]a, 26). According to Country Reports 2013, the school resource officers serve as liaisons between students, faculty, parents and the police and aim to curb school violence (US 27 Feb. 2014, 8). The same source indicates that Jamaica's police academy provided training on community-based policing to new recruits as well as to JCF members taking professional development courses (ibid.).

'According to a 2014 study by the Overseas Development Institute (ODI), community policing in Jamaica has become "more actively operationalized since 2008" (ODI May 2014, 1). However, the same source notes that, in practice, community policing has not been implemented "force-wide" but is instead carried out by Community Police Officers (CPOs) in the CSSB branch of the JCF (ibid., 13). This source states that Jamaican policing "remains primarily paramilitary in nature" (ibid., 1), and that a "substantive behaviour change" within the police force has been "limited" (ibid., 23).

'The Norman Transcript reports that the Jamaican government has been taking a "more confrontational attitude toward the country's gangs" and the government credits a crackdown in 2013 with bringing down the murder rate in some parts of Kingston by 60 percent (11 Oct. 2014). The National Security minister said that the JCF is decreasing the number of curfews imposed on communities and is turning towards "intelligence driven" policing methods (CMC 30 Dec. 2014).'⁴²

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7.9 Crime rates

7.9.1 The same source stated:

⁴² CIRB, JAM105038.E. 'Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015)', 9 February 2015, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717>. Accessed: 25 January 2018

'... sources indicate that Jamaica has seen a reduction in violent crime (IHS Global Insight 22 Oct. 2014; CMC 17 Dec. 2014; Jamaica [2014]b). According to the Associated Press (AP), in 2013, there were 1,197 homicides in Jamaica, down from a high of 1,680 in 2009 (7 Dec. 2014). IHS Global Insight, a global forecasting company that provides "economic, financial, and political coverage" of countries and industries (IHS Global Insight, n.d.), reports that, according to police statistics released on 15 September 2014, there was a 15 percent decrease in homicides in the period from January to September 2014 in comparison to the same period in 2013 (ibid. 22 Oct. 2014). In December 2014, Jamaica's National Security Minister reported that there have been "double digit reductions right across the board in all serious and violent crimes in Jamaica" (CMC 17 Dec. 2014). The Minister, speaking on another occasion, said that, in 2014, there were "close to 700 fewer victims of serious and violent crimes ... including murder, shooting, rape and aggravated assault" (ibid. 30 Dec. 2014). According to the Gleaner, a Kingston-based daily newspaper, crime decreased by 40 percent between 2009 and 2014 (16 Sept. 2014).' ⁴³

7.9.2 The US OSAC report covering events in 2015 noted:

'In 2015, Jamaica saw an increase in murders but a reported decrease in other serious, violent crimes. It is believed that the rise in murders can be attributed in part to violence perpetrated by gangs involved in lottery scamming. Most violent crimes, including 80 percent of all murders, involve firearms. There were 1,205 murders (the highest figure in five years, a 19.7 percent increase over 2014, an average of 3.3 murder/day), 1,069 shootings, 589 aggravated assaults, 577 rapes, 1,904 robberies, and 1,777 break-ins recorded in 2015. With a population of approximately 2.9 million people, Jamaica continues to have a high homicide rate (40.9/100,000), which places it among the top-five highest (per capita) national homicide rates in the world.'

⁴⁴

7.9.3 The IADB report of June 2016, based on a range of sources on events up to circa 2013, noted:

'Jamaica's post-independence environment has been characterized by high (and until recently increasing) rates of violent crimes and relatively low and declining rates of property crimes... Since 2009, however, the main development in Jamaica's situation has been the significant decline in all categories of violent and other serious crimes. Both violent crimes and the most troubling types of property crimes declined during this period. More specifically, between 2009 and 2013, homicides declined by 30.2 percent, shootings by 25.8 percent, and robberies by 12.5 percent.

'The serious crimes (in the sense that the police have defined the term) that

⁴³ CIRB, JAM105038.E. 'Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015)', 9 February 2015, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717>. Accessed: 25 January 2018

⁴⁴ US Department of State (USSD), 'Overseas Security Advisory Council Jamaica 2016 Crime and Safety' (Crime Threats and Police Response) <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=19562> Accessed: 29 December 2017

were exceptions to this trend include rape, which increased by 20.5 percent.⁴⁵

7.9.4 For further background see the JCF website and the [Canadian Immigration and Refugee Board response on the JCF](#)⁴⁶.

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7.10 Corruption

7.10.1 Transparency International has ranked Jamaica in its annual Corruption Perception Index as 39 out of 100 in 2016.⁴⁷

7.10.2 The DCAF [Geneva Centre for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team] Jamaica Country Profile, updated in 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 percent had confidence in the police to control gang violence...’⁴⁸

7.10.3 Freedom in the World 2016 stated that:

‘In 2015, Jamaica continued to grapple with persistent gang violence and abusive police practices, both of which [were] major deterrents to domestic commercial activity and foreign investment. However, a gradual strengthening of the legislative environment has led to improvements in recent years, as the government took steps to implement the Corruption Prevention Act, and the INDECOM intensified its efforts to hold police accountable for [misconduct].’⁴⁹

7.10.4 According to United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, March 2017:

‘...The Commissioner of Police, with support from the Minister of National

⁴⁵ Inter-American Development Bank, ‘Crime and Violence in Jamaica’ (p1), 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&isAllowed=y>. Accessed: 25 January 2018.

⁴⁶ Canadian Immigration and Refugee Board Response on the JCF, 1 December 2010, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453251>. Accessed: 8 February 2018

⁴⁷ Transparency International, ‘Corruption Perception Index, 2016’ file://poise.homeoffice.local/Home/APH/Users/GOPPYS/Downloads/2016_CPIReport_EN.pdf Accessed: 29 December 2017

⁴⁸ DCAF [Geneva Centre for the Democratic Control of Armed Forces] ISSAT [International Security Sector Advisory Team], ‘Jamaica Country Profile’ (Security Institutions), February 2015, <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Jamaica-Country-Profile> Accessed: 24 November 2017

⁴⁹ Freedom House, ‘Freedom in the World Jamaica 2016’ 29 August 2016, <https://freedomhouse.org/report/freedom-world/2016/jamaica> Accessed: 29 December 2017

Security, continued to take a strong public stance against police corruption and made progress toward reform of the institution. The Jamaican Police have suffered from decades of endemic corruption and high annual numbers of civilian deaths caused by police actions. Police-involved deaths increased by 20 percent in 2016 from 2015, though remaining 50 percent below the number of deaths recorded in 2013.

‘...Jamaican law penalizes official corruption; however, corruption remains entrenched, widespread, and compounded by a judicial system that has a poor record of successfully prosecuting corruption cases against high-level law enforcement and government officials.

‘In 2016, anti-corruption measures within the police continued to show encouraging signs. The police Anti-Corruption Branch (ACB) merged with the newly-created Major Organized Crime and Anti-Corruption Agency in 2014, and showed steady success in identifying and removing officers engaged in corrupt and unethical behaviour. Since the ACB’s reorganisation with international support in 2008, 559 police personnel have resigned or been dismissed for corruption or ethics violations. Another 24 officers faced criminal corruption charges during 2016.

‘Additionally, the U.S-supported non-governmental organisation National Integrity Action helped focus increased public and government attention on the need for anti-corruption reforms.’⁵⁰

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7.11 Impunity

7.11.1 According to the U.S Department of State 2016 Country Report on Human Rights published in March 2017:

‘The law provides criminal penalties for corruption by officials, but the government did not implement and enforce the law effectively, and officials reportedly engaged in corrupt practices with impunity. The Ministry of Justice and the Attorney General’s Office have overall responsibility to combat official corruption.

‘Corruption remained a significant systemic problem of public concern... because of the government’s weak efforts to prosecute officials’ alleged corrupt practices... Media and civil society organisations continued to criticize the Director of Public Prosecutions for being slow and at times reluctant to prosecute corruption cases. The Major Organized Crime and Anti-Corruption Agency (MOCA), which is part of the JCF, conducted raids on and uncovered corruption in several parish councils.

‘...There was also an increased number of fatalities at the hands of government security forces, many of which were suspected to be carried out unlawfully and the majority of which appeared to occur during planned security force operations rather than at random events... The government charged a much larger number of police officers with abuses than in the

⁵⁰ United States Department of State, ‘Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report,’ (Jamaica), March 2017, <https://www.state.gov/documents/organization/268025.pdf> Accessed: 29 December 2017

previous year. A lack of willing witnesses and inefficiencies in the Judiciary, however, continued to plague the justice system, and trials languished...'⁵¹

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7.12 Police oversight

7.12.1 According to the INDECOM Jamaica:

'The INDECOM is a Commission of Parliament, governed by the INDECOM Act. The Act was passed on 15 April 2010 and the Commission began operation on 16 August 2010. The INDECOM Act repealed the Police Public Complaints Act that established the Police Complaints Authority (PPCA); which was a civilian body established to probe allegations against members of the JCF.

'INDECOM, is a civilian staffed state agency tasked 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 persons; and for connected matters. The members of the Security Forces and other Agents of the State for which INDECOM provides oversight include:

- JCF
- District Constables
- JDF
- Correctional officers at the Department of Correctional Services (DCS)...

'...The four regions are: Eastern (Kingston and St. Andrew, Portland, St. Thomas), South Eastern (St. Catherine, St. Mary, St. Ann), Central (Manchester, Clarendon, St. Elizabeth, St. Ann) and Western (St. Ann, Trelawny, St. James, Hanover, Westmoreland)...'⁵²

7.12.2 To report an incident or complaint, the INDECOM can be contacted via phone, a visit to one of the three main offices or satellite office, via email or the INDECOM website.⁵³

7.12.3 Please also see [The Independent Commission of Investigations Act 2010](#).⁵⁴

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8. Judiciary

8.1 Legal system

8.1.1 The IADB report of June 2016 noted:

'The legal system, including prosecution, the courts, sentencing, and corrections, has had little scholarly criminological examination. However,

⁵¹ US Department of State, 'Country Report on Human Rights Practices' 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 24 November 2017

⁵² INDECOM Jamaica, <https://www.indecom.gov.jm/> Accessed: 2 January 2018

⁵³ INDECOM Jamaica, <https://www.indecom.gov.jm/> Accessed: 2 January 2018

⁵⁴ INDECOM, The Independent Commission of Investigations Act 2010, <https://www.indecom.gov.jm/wp-content/uploads/2016/11/INDECOM-Act.pdf> Accessed: 8 February 2018

special commissions and governmental task force reports have identified specific concerns. For example, the Justice Reform Task Force (2007) identified problems of ineffectiveness, lack of capacity, accountability, institutional structures, and relationships of national institutions to regional, international, and NGO communities.[...]

'Jamaica's legal system is based on the British Common Law tradition. Persons before courts retain due process rights to fair trial, are presumed innocent until found guilty, have the right to a jury trial and appeal, and have access to defence counsel and to legal aid in cases that can result in incarceration. There is also a functioning bail system (UNDP 2012). Currently, the Judicial Committee of the Privy Council remains the court of last resort for appeals from the Jamaican court. [...] However, discussions have been ongoing about integration of the regional Caribbean Court of Justice for both appellate and original jurisdictional matters. [...]' ⁵⁵

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8.2 Court system

8.2.1 The Supreme Court Jamaica website provided information on [Legal System, Court Structure and Hierarchy](#) ⁵⁶

8.2.2 Amnesty International, in its report, *Waiting in Vain*, 2016 noted that:

'There are several key actors in the Criminal Justice System that play a critical role in facilitating access to justice. The DPP determines whether or not to prosecute a case. A Special Coroner's Court conducts inquests into killings by police, to establish the cause of death and whether a killing was lawful or not. The Court's decision is then referred back to the DPP who decides whether to prosecute or close the case. Since 2013, INDECOM has also been able to initiate prosecutions of police officers...' ⁵⁷

8.2.3 The IADB report of June 2016 noted:

'Located within the Ministry of Justice, the Legal Aid Counsel is mandated to organize and establish Legal Aid Clinics to administer an efficient and coordinated legal aid system. As at September 30, 2012, approximately 379 attorneys were enlisted to provide duty counsel services and accept Legal Aid court assignments... Provision of legal aid is further hampered by concerns relating to timely payment and the low pay scale.⁷⁰ This can impair representation that indigent defendants receive, and hints at some of the concerns raised in the Jamaican Justice System Task Force Report (2007).' ⁵⁸

⁵⁵ Inter-American Development Bank, 'Crime and Violence in Jamaica' (p46), 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&isAllowed=y>. Accessed: 25 January 2018.

⁵⁶ Legal System, Court Structure and Hierarchy, Jamaica, <http://www.supremecourt.gov.jm/content/legal-system> Accessed: 8 February 2018

⁵⁷ Amnesty International, 'Waiting in Vain' 2016, file://poise.homeoffice.local/Home/APH/Users/GOPPYS/Downloads/jamaica_waiting_in_vain_report_eng.pdf Accessed: 2 January 2018

⁵⁸ Inter-American Development Bank, 'Crime and Violence in Jamaica' (p46), June 2016, <https://publications.iadb.org/bitstream/handle/11319/7773/Crime-and-Violence-in-Jamaica-IDB->

8.3 Effectiveness

8.3.1 According to the U.S Department of State 2016 Country Report on Human Rights published in March 2017:

‘...A lack of willing witnesses and inefficiencies in the judiciary, however, continued to plague the justice system, and trials languished...

‘The law provides for an independent Judiciary. The independent Court Management Services maintained its own budget, but the Ministry of Justice provided resources for the Judiciary’s large items such as vehicles for Judges, the introduction of new technologies, and new court buildings.

‘Trials are often delayed for years, and at times cases are dismissed due to delay tactics, including no-shows by witnesses, challenges in [enrolling] juries, antiquated rules of evidence, and lack of equipment for collecting and storing evidence, among other reasons. For example, drug evidence collected in an arrest must be stored in its entirety; samples or photographs are not acceptable. Storage facilities were inadequate and understaffed, and evidence occasionally disappeared, deteriorated in the warehouse, or could not be located when [required].

‘The Parish Courts, which handle more than 90 percent of the cases in the court system, operated Night Courts to reduce the backlog. The Supreme Court and Parish Courts alleviated some of the civil case backlog by using alternative dispute resolution in place of traditional trials and recruiting judges out of retirement to serve.

‘There is a Witness Protection Program, but many eligible witnesses 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 has ever been killed.’⁵⁹

See [Country Policy and Information Note on Jamaica: Fear of Organised Criminal Gangs](#) for further information on the Witness Protection Programme in Jamaica.

8.3.2 Amnesty International, in their report, Waiting in Vain, 2016 explained that:

‘Severe delays in the Criminal Justice System were universally recognized by those interviewed for this report as a major structural barrier to reducing crime in Jamaica. One senior police officer told Amnesty International: “a criminal charged in 2015 will not get to court until 2020.” Another said: “patience with the slow Justice System has run out.”

‘Since his appointment in March 2016, the Minister of Justice has identified reducing backlogs and delays in the Court System as a priority. In a sectoral presentation to Parliament in June 2016, the Minister stated he would continue programmes aimed at justice reform by removing and repealing out-

[Series-on-Crime-and-Violence-in-the-Caribbean.pdf?sequence=4&isAllowed=y](#). Accessed: 25 January 2018.

⁵⁹ US Department of State, ‘Country Report on Human Rights Practices’ 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

dated legislation, reducing the backlog in the Courts, modernizing and expanding the Courts and protecting vulnerable groups.

'Other practical measures proposed by the Ministry include: allowing willing Judges to sit beyond retirement age, introducing alternative methods of dispute resolution, increasing the number of courtrooms, extending court hours into evening sittings, using Case Progression Officers to monitor cases and ensure their trial readiness, using technology such as video-link for introducing evidence and digitization of court processes.'⁶⁰

8.3.3 The report continued:

'Jamaica has received significant funding and technical support to implement justice sector reforms from donor partners, including the Canadian and United Kingdom governments, and the European Union (EU). For example, the EU, beginning in 2017, will grant US\$23 million for the justice system.

'Despite these administrative changes, several senior government officials told Amnesty International that without more courtrooms and Judges, the backlogs simply will not be addressed...

'There are several key actors in the Criminal Justice System that play a critical role in facilitating access to justice. The DPP determines whether or not to prosecute a case. A Special Coroner's Court conducts inquests into killings by police, to establish the cause of death and whether a killing was lawful or not. The Court's decision is then referred back to the DPP who decides whether to prosecute or close the case. Since 2013, INDECOM has also been able to initiate prosecutions of police officers...

'As of July 2016, INDECOM had charged almost 100 officers with various offences, but only eight cases had been tried. INDECOM secured its first and to date only murder conviction in April 2016, in a case prosecuted by the DPP, in which a police officer was found guilty of the murder of his former girlfriend.

'According to the Assistant Commissioner of INDECOM: "It's very hard to get a case to trial. Justice is being denied, either way you look at it. Almost a hundred officers have not had a trial, so they are on no pay, or limited pay, suspended and don't carry firearms. Also, years pass and witnesses die and leave." The very first case in which INDECOM charged a police officer with murder has yet to be brought to trial, six years after the killing.'⁶¹

8.3.4 The Jamaican Observer, in its article, More Judges for Parish Courts, 17 June 2016 has stated that:

'The Government is seeking to increase the number of Judges available to serve in Parish Courts. "In the short term, we want to employ at least another 15 or 20 judges permanently or on a part-time basis to deal with the backlog in the Parish Courts," said Minister of Justice Delroy Chuck. He was making

⁶⁰ Amnesty International, 'Waiting in Vain' 2016, file:///poise.homeoffice.local/Home/APH/Users/GOPPYS/Downloads/jamaica_waiting_in_vain_-_report_eng.pdf Accessed: 2 January 2018

⁶¹ Amnesty International, 'Waiting in Vain' 2016, file:///poise.homeoffice.local/Home/APH/Users/GOPPYS/Downloads/jamaica_waiting_in_vain_-_report_eng.pdf Accessed: 2 January 2018

his contribution to the 2016/17 Sectoral Debate in the House of Representatives... Minister Chuck noted that the Parish Courts are now overburdened with civil and criminal cases and “it is important that we attend to them urgently.”

‘Meanwhile, the Minister of Justice is encouraging Jamaicans to utilise alternative means such as arbitration and restorative justice to deal with disputes. He noted that the Restorative Justice Bill will be brought before Parliament shortly. “If we can get the offender to admit that he has committed the offence and the victim to forgive, then we can say use restorative justice to exercise mercy in the disposal of the matter,” the Minister of Justice said. As it relates to arbitration, he informed that a Bill is to be submitted to Cabinet before tabling in Parliament.

‘The Minister of Justice noted that many countries, such as Singapore, have been making use of arbitration to settle commercial disputes. “When big money is in conflict, many of the parties do not want to go to Court; they want arbitrators to assist them in coming to a decision. Singapore is now becoming the top place for arbitration,” Chuck said...’⁶²

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8.4 Trial procedures

8.4.1 According to the U.S Department of State 2016 Country Report on Human Rights published in March 2017:

‘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 public trial. The Supreme Court tries serious criminal offences, including all murder cases. Citizens’ reluctance to serve as jurors resulted in a persistent problem of seating jurors, which contributed to the judicial backlog.

‘Defendants are provided ample time to prepare defence and are not [obligated] to confess guilt. They have the right to appeal. Legal Aid attorneys were available to defend the indigent, except those charged with certain offences under the Money Laundering Act or the Dangerous Drugs Act, as well as defendants not liable to incarceration. The Office of the Public Defender may bring cases on behalf of persons who claim violations of their constitutional rights but cannot appear in court on their behalf.

‘The Office of the Children’s Advocate (OCA) provides legal representation for all children who require assistance before the Courts. The law allows the OCA to intervene in court proceedings and to initiate proceedings against individuals or government entities that breach the rights of children.’⁶³

8.4.2 The report continued:

‘Police officers may arrest without warrant where a felony, treason, or breach of the peace is committed or attempted in the officer’s presence. Upon arrest

⁶² Jamaica Observer, ‘More Judges for Parish Courts’ 17 June 2016

<http://www.jamaicaobserver.com/news/More-judges-for-parish-courts> Accessed: 2 January 2018

⁶³ ⁶³ US Department of State, ‘Country Report on Human Rights Practices’ 3 March 2017,

<https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

the officer is required to tell a suspect in clear language the offence(s) for which the individual has been arrested. Any officer may execute any warrant lawfully issued by a Judge or Justice of the Peace for the apprehension of a person charged with any offence, without being in possession of the warrant. The officer must produce the warrant on demand of the suspect as soon as practical after the arrest. The decision to charge or release must be resolved within 48 hours, although a Judge or Justice of the Peace may extend the period of custody.

'The Constitution provides for legal assistance if someone does not have sufficient means to pay for legal representation and provides that a civil organisation may initiate an application on behalf of a detainee or a person with a mental disability. If a detainee requests access to counsel, the law requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial) under the Legal Aid Program. There was a functioning bail system. Authorities allowed detainees prompt access to family members. The law requires Justices of the Peace and Judges to inquire at least once a week into the welfare of each person listed by the JCF as detained.'⁶⁴

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8.5 Corruption

8.5.1 According to United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, March 2017:

'Progress in combating...corruption was hobbled by an underfunded, overburdened and sluggish Criminal Justice System with limited effectiveness in obtaining criminal convictions. The conviction rate for murder was approximately 16 percent through the first 10 months of 2016, and the Courts continued to be plagued with a culture of trial postponements and delay. This lack of efficacy within the Criminal Courts contributed to impunity for many of the worst criminal offenders and gangs, an abnormally high rate of violent crimes, and lack of co-operation by witnesses and potential jurors. The underperforming Judiciary has also engendered frustration among police officers and the public, a significant social cost and drain on the economy, and a disincentive for tourism and international investment.

'[However], success stories from 2016 – all with U.S and international support – have included the JCF Anti-Corruption Branch, which made steady progress in removing corrupt and unethical police officers, as well as the Major Organized Crime and Anti-Corruption Agency which continued its success in reducing Jamaica lottery scam operations that targeted retirees and the elderly in the United States. The Financial Investigation Division of the Ministry of Finance further increased its ability to curb money laundering and seize criminally-acquired assets. The JCF enhanced its ability to trace seized firearms, and criminal prosecutors received additional training throughout the island.

⁶⁴ US Department of State, 'Country Report on Human Rights Practices' 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

'The momentum of progress gained within Jamaica's law enforcement agencies, however, is being limited by a chronic inability of Prosecutors and the Courts to keep pace and secure prompt convictions...' ⁶⁵

- 8.5.2 A Human Rights First report of July 2015, *The World As It Should Be – Advancing the Human Rights of LGBT People in Jamaica*, noted that: 'Similar to mob violence, one analyst argues that violence perpetrated by the police is rooted in officers' mistrust of the Justice System and perpetrated by impunity in cases of police violence.' ⁶⁶

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9. Media and the internet

- 9.1.1 The U.S Department of State 2016 Country Report on Human Rights published in March 2017 stated that:

'...Independent media are active and express a wide variety of views without restriction.' ⁶⁷

- 9.1.2 Please see [CIA World Factbook](#), and [BBC News, Jamaica Country Profile, Media August 2012](#) ^{68 69}

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10. Corruption

- 10.1.1 According to Freedom in the World 2016:

'Corruption remains a serious problem in Jamaica. Long-standing relationships between officials and organised crime figures are thought to persist. Various government bodies continue to pursue corruption investigations, and cases frequently end in convictions. However, the Public Prosecutor has faced criticism in the media and from NGOs for a reluctance to pursue some cases, and implementation of the 2000 Corruption Prevention Act remains problematic.

'Government whistleblowers who object to official acts of waste, fraud, or abuse of power are not well protected by Jamaican law, as is required under the Inter-American Convention against Corruption. In 2015, the legislature debated a new Integrity Commission Act which, among other steps, sought to create a single body to monitor corruption...' ⁷⁰

⁶⁵ United States Department of State, 'Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report,' (Jamaica), March 2017, <https://www.state.gov/documents/organization/268025.pdf> Accessed: 29 December 2017

⁶⁶ 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> Accessed: 2 January 2018

⁶⁷ US Department of State, 'Country Report on Human Rights Practices' 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 March 2018

⁶⁸ CIA, 'WorldFactbook – Jamaica' <https://www.cia.gov/library/publications/the-world-factbook/geos/jm.html> Accessed: 2 January 2018

⁶⁹ BBC News, Jamaica Country Profile, Media, August 2012, http://news.bbc.co.uk/1/hi/world/americas/country_profiles/1190968.stm#media Accessed: 8 February 2018

⁷⁰ Freedom House, 'Freedom in the World 2016' Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica> Accessed: 2 January 2018

10.1.2 Please also see [Section 8.3 Corruption – Security Apparatus](#) and [Section 9.4 Corruption - Judiciary](#)

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11. Women

11.1.1 Freedom in the World 2016 has stated that:

‘...Legal protections for women are poorly enforced and violence and discrimination remain widespread. Women are under-represented in government, holding just seven seats in the House of Representatives.’⁷¹

11.1.2 For background on women, their rights, state treatment and position in society see

- [Amnesty International, Annual Report 2016/17, Violence Against Women and Girls](#)
- [The U.S Department of State 2016, Country Report on Human Rights Report, Section 3, published in March 2017](#)
- [Country Policy and Information Note, Jamaica, Women Fearing Domestic Violence, January 2017](#)
- [Domestic Violence Act, Ministry of Justice, Government of Jamaica](#)
- [UN Human Rights Committee \(HRC\), Concluding Observations on the Fourth Periodic Report of Jamaica, Violence Against Women including Domestic Violence, 22 November 2016](#)

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12. Children

12.1 Overview

12.1.1 The U.S Department of State 2016 Country Report on Human Rights published in March 2017 stated that:

‘Child abuse, including sexual abuse, was substantial and widespread. NGOs reported that gang leaders, sometimes including fathers, initiated sex with young girls as a “right,” and missing children often were fleeing violent situations and sexual abuse. During [2016] the JCF implemented a “Child Interaction Policy.” The Office of Children’s Registry (OCR) receives, records, processes and stores data relating to the mistreatment and abuse of children. The law requires anyone who knows of or suspects child abuse to make a report to the OCR, with a penalty of up to 500,000 JMD (\$3,900) and/or six months’ imprisonment for failure to do so.

‘The Child Development Agency (CDA) under the Ministry of Education, Youth, and Information provides housing and day-to-day care for orphans,

⁷¹ Freedom House, ‘Freedom in the World 2016’ Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica> Accessed: 2 March 2018

destitute children, and those with unsuitable parents, and administers the foster care and adoption programs.

'The OCA has broad responsibilities for reviewing laws, policies, practices and government services affecting children, as well as providing legal services to protect the best interests of children. The OCA has an investigative function that gives it concurrent jurisdiction with the police whenever a child is the victim or complainant.'⁷²

12.1.2 The report continued to explain that:

'Corporal punishment is illegal in early childhood centres and for all children in state care, but it remained legal elsewhere, including in schools.

'The legal minimum age for marriage is 18, but children may marry at 16 with parental consent.

'The law prohibits sexual intercourse with a person less than 16 years old, the minimum age for consensual sex. Sexual relations by an adult with a child under the age of 16 is punishable by up to life imprisonment.

'The law criminalizes the commercial sexual exploitation of children and applies to the protection, possession, importation, exportation and distribution of child pornography. It carries a maximum penalty of 20 years' imprisonment and a fine of 500,000 JMD (\$3,900). There were reports of children being involved in commercial sexual exploitation. The OCA investigated sex crimes when the victim was below 18 years of age. Depending on the case, the complaint was lodged directly with the OCA or referred to the OCA from the Office of Children's Registry for investigation.'⁷³

12.1.3 Amnesty International, in their Annual Report 2016-17 noted that '...the NGO Jamaicans for Justice reported that children were still being detained in police lockups for being "uncontrollable", often for illegal periods and in inhumane conditions...'⁷⁴

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12.2 Child labour

12.2.1 According to the Jamaica Information Service, The Government of Jamaica:

'Minister for Agriculture, Labour and Social Security, Hon. Derrick Kellier, is imploring Jamaicans to protect the nation's children from exposure to child labour... It is estimated that some 16,000 Jamaican children are involved in child labour, while the global figure stands at 168 million. We have a responsibility to protect our children (from working) on the streets, in agriculture, fishing, and commercial establishments, selling in the markets, working as domestic workers, playmakers in tourism and entertainment, from

⁷² US Department of State, 'Country Report on Human Rights Practices' 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

⁷³ US Department of State, 'Country Report on Human Rights Practices' 3 March 2017, <https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

⁷⁴ Amnesty International, Annual Report 2016-2017, Jamaica <file://poise.homeoffice.local/Home/APH/Users/GOPPYS/Downloads/Amnesty%20International%20Report%202016%202017.pdf> Accessed: 2 January 2018

being sexually exploited or otherwise used to carry out illicit activities,” he stated...

‘...Minister Kellier also pointed out that the government has done significant work in helping to reduce the need for children to work and remains committed to creating a country that is child labour-free. “Considerable resources have been made available by the Government to put in place such social protection measures as sickness benefits, old age/pension benefits, employment injury benefits, family and child benefits, disability benefits, maternity benefits, death and survivor benefits,” he highlighted.

‘ “In pursuit of our commitment to create a Jamaica free from child labour, the Government will continue its leadership of programmes of intervention and inter-sectoral action, legislation and enforcement, education and skills training, awareness building, advocacy and social protection measures,” Minister Kellier pledged.’ ⁷⁵

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12.3 Primary education

‘According to Classbase - Education in Jamaica: ‘The 6 years of primary school education in Jamaica is compulsory and free. Children receive their instruction in English, and remain there between the ages of 6 and 12. Schools may be state-owned, or private preparatory schools.’ ⁷⁶

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12.4 Secondary education

‘The government has embarked on a program to upgrade secondary schools. This is to meet the needs of an emerging economy that requires more advanced literacy and mathematics skills. Libraries have been restocked and computers installed with internet access. Schools are either single-sex or mixed. Many still favour the British grammar school model. When students leave secondary school their education ceases to be free.’ ⁷⁷

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12.5 Vocational education

‘The National Training Agency oversees vocational training in Jamaica that is provided by state vocational training centres and private academies. Programs tuned to the nation's needs include agriculture, automotive skills, beauty services, clothing manufacture, commercial skills, information technology, and building and construction skills.’ ⁷⁸

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⁷⁵ Jamaica Information Service, Government of Jamaica, ‘Jamaicans Urged To Protect Children From Child Labour’ <http://jis.gov.jm/jamaicans-urged-protect-children-child-labour/> Accessed: 2 January 2018

⁷⁶ Classbase, Education System in Jamaica, <https://www.classbase.com/Countries/Jamaica/Education-System> Accessed: 2 January 2018

⁷⁷ Classbase, Education System in Jamaica, <https://www.classbase.com/Countries/Jamaica/Education-System> Accessed: 2 January 2018

⁷⁸ Classbase, Education System in Jamaica, <https://www.classbase.com/Countries/Jamaica/Education-System> Accessed: 2 January 2018

12.6 Tertiary education

'Tertiary education is provided through five universities and a variety of community and teachers colleges, some state-owned and some privately funded. A traditional western-based curriculum is followed. Universities include the University of the West Indies Mona Campus, The University of Technology, the College of Art, Science and Technology, the North Caribbean University and the University College of the Caribbean.'⁷⁹

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13. Citizenship and nationality

13.1 Citizenship

13.1.1 Citizenship law is set out in the [August 1962 Nationality Act of Jamaica](#)⁸⁰

13.1.2 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

⁷⁹ Classbase, Education System in Jamaica, <https://www.classbase.com/Countries/Jamaica/Education-System> Accessed: 2 January 2018

⁸⁰ August 1962 Nationality Act of Jamaica, <http://moj.gov.jm/sites/default/files/laws/The%20Jamaican%20Nationality%20Act.pdf> Accessed: 8 February 2018

upon the acquisition of a foreign citizenship. Any citizen wishing to renounce Jamaican citizenship must be granted permission by the government of Jamaica.’⁸¹

Please also see [Government of Jamaica, Jamaica Information Service, Nationality and Citizenship](#)⁸²

[Government of Jamaica, Jamaica Information Service, Applying for Jamaican Citizenship, August 2013](#)⁸³

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14. Freedom of movement

14.1.1 The U.S Department of State 2016 Country Report on Human Rights published in March 2017 stated that:

‘The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

‘The government co-operates with the International Organization for Migration, UN Children’s Fund, Office of the UN High Commissioner for Refugees, and other humanitarian organisations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.’⁸⁴

14.1.2 Freedom House, in their 2016 Annual Report has stated that: ‘Although there are constitutional guarantees of freedom of movement, political and communal violence frequently precludes the full enjoyment of this right.’⁸⁵

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15. Official documents

15.1 National Identification System (NIDS)

15.1.1 According to The Office of the Prime Minister, Government of Jamaica, on the website for National Identification System:

‘The Government of Jamaica is designing and developing a NIDS, that will provide a comprehensive and secure structure to enable the capture and storage of personal identity information for citizens and persons ordinarily resident in Jamaica. The NIDS will become the primary source for identity assurance and verification, and will result in improved governance and management of social, economic and security programmes.’⁸⁶

⁸¹ Multiplecitizenship.com – Jamaica, Undated

http://www.multiplecitizenship.com/wscl/ws_JAMAICA.html Accessed: 2 January 2018

⁸² Government of Jamaica, Jamaica Information Service, Nationality and Citizenship,

<http://jis.gov.jm/information/nationality-citizenship/> Accessed: 8 February 2018

⁸³ Government of Jamaica, Jamaica Information Service, Applying for Jamaican Citizenship, August 2013, <https://jis.gov.jm/faqs/applying-for-jamaican-citizenship/> Accessed: 8 February 2018

⁸⁴ US Department of State, ‘Country Report on Human Rights Practices’ 3 March 2017,

<https://www.state.gov/documents/organization/265810.pdf> Accessed: 2 January 2018

⁸⁵ Freedom House, Freedom in the World 2016, Personal Autonomy and Individual Rights,

<https://freedomhouse.org/report/freedom-world/2016/jamaica> Accessed: 2 February 2018

⁸⁶ Office of the Prime Minister, Government of Jamaica, National Identification System (NIDS)

15.1.2 Please see also [U.S Department of State – Bureau of Consular Affairs, Jamaica, 15 September 2017](#) ⁸⁷

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<http://opm.gov.jm/portfolios/national-identification-system/> Accessed: 2 January 2018

⁸⁷ Travel.State.Gov, U.S Department of State – Bureau of Consular Affairs, Jamaica, 15 September 2017, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Jamaica.html> Accessed: 8 February 2018

15.2

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