



JAMAICA – Gender Based Violence Policy Briefing

April 2018 (updated May 2019)

Jamaica is an island country in the Caribbean with a population of approximately 3 million. According to the World Bank country classifications by income level, Jamaica is currently classed as an upper-middle income nation (US\$ 3,956 – 12,235).

Gender parity across life domains:

Jamaica's [Employment Act 1975](#) mandates equal pay for equal work for men and women. In reality, however, women suffer discrimination in the workplace and often earn less than men (["Jamaica Pay Gap Worsens", 2015](#)). Jamaican women have access to financial services as well as land and non-land assets use, control, and ownership. The right to vote was granted to women in 1944, but women are largely missing from positions of political power. To date, Jamaica has only had one female head of state, the Prime Minister Portia Simpson-Miller. As for family life, women and men have equal parental rights in marriage and after divorce. Law permits abortion if a woman's physical life is endangered by pregnancy. According to the [Maternity Leave Act 1979](#), women are entitled to 12 weeks' maternity leave, but they are only entitled to pay for the first eight weeks of this leave. There are no gender disparities in the attainment of primary education. More women than men attain secondary and tertiary education and there are more boys (30.6%) than girls (25%) among the out-of-school youth ([The Global Gender Gap Report, 2018](#)).

Gender equality indexes:

1. [Gender Inequality Index \(GII\)](#) measures gender inequalities between women and men in three important areas: reproductive health, empowerment, and economic status. Values range from 0 to 1, with higher values indicating more disparities between the genders. Jamaica's current GII index is [0.412](#). Comparable scores are currently held by the Philippines (0.427), Tonga (0.416), Brazil (0.407), and Thailand (0.393).
2. [Global Gender Gap Index \(GGGI\)](#) assesses gender gaps on economic, political, education, and health criteria. Values range from 0 to 1, with lower values

indicating more disparities between the genders. According to the Global Rankings Report 2018, Jamaica's GGI is 0.724 (rank 44 out of 149 countries). Jamaica recorded the highest rank on educational attainment (score: 1.000, rank: 1). The country's lowest rank was on political empowerment (score: 0.171, rank: 75), followed by health and survival subindex (score: 0.976, rank: 68), and economic participation and opportunity (score: 0.747, rank: 29). Jamaica is one of five countries (including Bahamas, Colombia, Lao PDR and Philippines) which have achieved full gender parity on political and economic leadership. Jamaica also recorded a progress on closing its gender gap in healthy life expectancy.

Gender-based violence (GBV):

In June 2013, the [UN Economic, Social and Cultural Rights Committee](#) expressed "its profound concern at high rates of domestic and sexual violence, and the lack of a comprehensive strategy to address the phenomenon" (para. 19) in Jamaica. Lifetime prevalence of GBV in Jamaica is estimated at 35% (The Global Gender Gap Report, 2018). The first comprehensive national survey on GBV conducted to date, [the Jamaica Women's Health Survey 2016](#), revealed a GBV prevalence of 27.8% and indicated that more than 1 in 4 women aged between 15 and 64 years experienced intimate partner physical and sexual violence in their lifetime. Although 80 per cent of surveyed women who experienced GBV talked with their friends, families, or neighbours about their experiences, most women did not seek formal help from institutions that provide it. Similarly, several other reports note high rates of domestic and sexual violence and suggest that these crimes are underreported due to fear of shame, social stigma, disgrace, or further violence. As such, many women seek help only when violence becomes particularly severe. In a self-report study among 3124 high school students (1467 boys and 1657 girls), 44.7% participants reported having witnessed violence in their homes ([Soyibo & Lee, 2000](#)). [Le Franc, Samms-Vaughan, Hambleton, Fox, and Brown \(2008\)](#) conducted a study on the prevalence of interpersonal violence in three Caribbean countries: Barbados, Jamaica, and Trinidad and Tobago. The Jamaican sample consisted of 1402 men and women aged 15-30 years (M age = 20.7 years). Findings indicated that 45.3% and 72.6% of Jamaican women experienced physical violence and sexual coercion respectively in the context of an intimate relationship. Sexual violence victimisation was the highest in Jamaica, compared with the remaining two countries. To gain a better understanding of domestic violence in Jamaica, [Arscott-Mills \(2001\)](#) administered self-report questionnaires to 187 women who access the services of the Women's Crisis Centre in Kingston. Research findings demonstrated a high level of physical injury (89%) and a low level of reporting violent incidents to the police (26%). Another form of GBV of deep concern in Jamaica remains commercial sexual exploitation of girls, in particular those from low-income and single-parent families.

Unlike in some other countries where GBV is widespread, authorities in Jamaica are generally willing to provide effective protection to women ([Home Office, 2015](#)). For example, in 2007, the Child Development Agency (CDA) launched a toll free telephone line to handle cases of human trafficking. In 1985, Jamaica ratified the [Convention on the Elimination of all forms of Discrimination against Women \(CEDAW\)](#). Nonetheless, given that violence is deeply rooted in Caribbean societies, the difficulty of tackling GBV may be augmented by the lack of social programmes whose scope would be sufficient to fully address the problem ([Jones, Trotman Jemmott, Maharaj, & Da Breo, 2014](#); [Miller, 2014](#)). Indeed, although gender parity is addressed at structural level, it appears that there is still a need to tackle gender stereotyping and these efforts should start early in schools (for more information see [Discrimination against Women UN meeting press release](#)).

Jamaica's most important legislation related to GBV:

1995 – The Domestic Violence Act - An act to provide remedies for domestic violence, for the protection of the victim through speedy and effective relief and for matters connected therewith and incidental thereto

2000 – [Criminal Justice Administration Act](#) – Trials for rape, carnal knowledge and incest are held 'in camera' in order to make the judicial system less harrowing to victims of violence.

2004 – [Domestic Violence Act \(Amendment\)](#) – This amendment allows victims to apply for a protection order. It also makes a special provision for women involved in residential and non-residential relationships.

2004 – [Married Women's Property Act \(Amendment\)](#) – An Act to amend the Married Women's Property Law. It introduces a special family property regime for spouses to provide for the equitable division of property between spouses upon dissolution of marriage. Each spouse has a 50% share in the family home, which must be registered solely in one spouse's name or in their joint names.

2004 – [The Property \(Rights of Spouses\) Act, 2004](#) - An act to make provision for the division of property belonging to spouses.

2004 – [Child Care and Protection Act](#) – An Act to provide for the care and protection of children and young persons and for connected matters. It also includes cases of child abuse and makes provision for mandatory reporting.

2004 – The Domestic Violence Act (Amendment) - The Act provides for enhanced protection for victims of domestic violence and abuse and applies to both spouses and de facto (common law) spouses. The Act also now makes provision for persons in visiting relationships. It also allows for the Courts to issue Protection Orders, keeping the accused away from the home, work or school of the victim. Orders can be made on behalf of men, women or children affected by violence within the home.

2005 – [The Maintenance Act](#) - The Act makes provisions for maintenance within the family and confers equal rights and obligations on spouses with respect to the support of each other and their children.

2009 – [Sexual Offences Act](#) – An Act to repeal the Incest (Punishment) Act and certain provision of the Offences Against Person Act; to make new provision for the prosecution of rape and other sexual offences; to provide for the establishment of a Sex Offender Registry; and other connect matters.

2009 – [Trafficking in Persons \(Prevention, Suppression and Punishment\) Amendment](#) – An amendment to an Act originally introduced in 1971. An act to make provision for giving effect to the protocol to prevent, suppress and punish trafficking in persons, especially women and children.

2009 – [The Child Pornography \(Prevention\) Act](#) - An Act to prohibit the production, distribution, importation, exportation or possession of child pornography, and the use of children for child pornography, and to provide for connected matters.

2010 – [The Offences Against the Person Act](#) - This act is the primary source of sexual offence prohibitions and penalties in Jamaican law. Its approach to sexual offences is highly gender-specific, in that rape is defined as a non-consensual penetration of a vagina by a penis. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and being convicted thereof, shall be liable to imprisonment for life.

2011 – [The Sexual Offences Act](#) - An Act to repeal the Incest (Punishment) Act and Sections 44-67 of the Offences Against Person Act; to make new provision for the prosecution of rape and other sexual offences; to provide for the establishment of a Sex Offender Registry; and other connect matters. It introduces other sexual offences, such as grievous sexual assault and marital rape.

2012 – [The Evidence \(Special Measures\) Act](#) - An Act to introduce special measures for giving of evidence by vulnerable witnesses.

2015 – [Sexual Harassment Act](#) – An Act to make provision for the prevention of sexual harassment and for connected matters.

Jamaica’s action plan to eliminate GBV:

In 2017, the Government launched a 10-year [National Strategic Action Plan to Eliminate Gender-Based Violence in Jamaica \(NSAP-GBV\) 2017-2027](#). The plan focuses on five interlinked priority areas: (1) prevention, (2) protection (psychosocial and health), (3) investigation, prosecution, and enforcement of court orders, (4) enforcement of victim’s rights to compensation, reparation, and redress, and (5) protocols for coordination of NSAP and data management systems. The plan indicates that data collection protocols and mechanisms will be standardised to assess the prevalence of GBV. Prevention strategies will be aimed at the whole population to transform people’s attitudes, behaviours, and practices which support violence against

women. Effective prevention, it was noted, will ease the economic burden of GBV. The Bureau of Gender Affairs (BGA) under the coordination of the Ministry of Culture, Gender, Entertainment and Sport (MCGES) will be the lead agency for the implementation of the NSAP- GBV.