Recommendations for the UPR of Jamaica- Gender- Based Violence

Introduction

Jamaica Family Planning Association (JFPA), an affiliate of the International Planned Parenthood Federation, is a non-government and non-profit organization that has served Jamaican women and their families since 1957. The Association operates within national policy guidelines to provide clinical and non-clinical family planning and reproductive health services to adolescents, men and women, and in particular the underserved in rural and urban areas. The Association delivers services from two static clinics. The driving force at both facilities is the desire to provide comprehensive sexual and reproductive service to clients. Additionally, JFPA conducts outreach activities in communities identified by government and non-government organizations as particularly vulnerable due to high rates of adolescent pregnancies, fertility among the general population of women, high HIV/STI infection rates, and high rates of maternal morbidity and mortality.

JFPA is committed to work assiduously in partnership with the Government of Jamaica and all interested non-governmental agencies in order to achieve a better quality of life for all Jamaicans – but especially women and girls.

Women make up 51 percent of the population of Jamaica. Available evidence indicates that women and girls face high rates of violence in circumstances such as intimate partner relations, economic and emotional violence and rape. Violence in its various forms is usually anchored in their daily lives, making it difficult for them to escape its grip. Gender-based violence, in particular, has implanted itself in the Jamaican culture and appears to have become normalized and accepted by many. Data from the Statistical Institute of Jamaica (STATIN, 2018) indicate that:

- 27.8% of ever-partnered women aged 15-49 years’ experience intimate partner physical and/or sexual violence in their lifetime;
- 7% of women 15-49 experienced physical and/or sexual intimate partner violence in the last 12 months; and a
- 23% lifetime prevalence of non-partner sexual violence

The 2016 Women’s Health Survey, reported that “over one-third (39.1%) of the [abused] women who sought help indicated that they received no help”. While these data are alarming, they also highlight the dysfunctional status of the social services available to various vulnerable groups.

2017 data from the Office of the Children’s Registry (OCR) indicate that 24% of all abuse cases reported in that year were sexual abuse cases. Of the 3103 reported cases, 88% were of girls. More than half (1,910) of all reported cases of sexual abuse in 2013 were carnal abuse – that is sex with children under 16 years old - and there were 349 cases of child rape. These events were more than likely unprotected – a fact that could lead to pregnancy and HIV/STI infection. Between 18% and 20% of births in any year are to adolescents and HIV infection rates for adolescents is high. UNICEF reports that adolescents are a high-risk group for HIV infection - almost 10 percent of all reported AIDS cases are among young people under the age of 19 years.
Government of Jamaica’s response to previous UPR recommendations

The continuation of gender-based violence vastly affects the country’s ability to achieve gender equality (Goal 5 of the SDGs). The government of Jamaica has implemented laws and policies such as the Sexual Offences Act, Domestic Violence Act, Child Care Protection Act etc to provide coverage to individuals who are affected by gendered violence.

In the 2nd UPR Cycle, France, Turkey, and Paraguay called on the Jamaican government to implement a national response to gender-based violence. In Dec 2018, Jamaica delivered and launched such a 10-year national strategic plan. Development of this plan was informed by the first national survey on gender-based violence conducted in Jamaica. The plan focuses on five key areas namely: protection, prevention, intervention, legal procedures and protocols for data collection incorporating initiatives introduced by CSOs, government agencies – for instance: The annual observance of IDEVAW on November 25; training provided by CSO’s whose mandate focuses on sexual violence (gender-based violence); and training of police personnel facilitated by Caribbean Association for Feminist Research and Action (CAFRA) on how to handle cases of gender-based violence.

The Jamaica Family Planning Association (JFPA) acknowledges the efforts made by the Jamaican government to mitigate incidents of gendered violence. These changes, notwithstanding, more needs to be done especially in achieving legislative clarity, in improving access to services for persons in need, assuring access to comprehensive sexuality education and access to safe spaces.

The need for Legislative clarity

If the rule of law is to have effect, it must be reflected in the form and content of the legislation. Legislation must therefore be written in a clear, unambiguous and concise manner. The Domestic Violence Act of 2004, the guideline used to prosecute perpetrators of domestic violence is a case in point. The Act does not provide a clear definition for the term domestic violence. This lack of clarity permits individuals working in areas of redress and prosecution, for example, lawyers, judges, police officers, who seek guidance from the Act, to formulate their own meaning and understanding of the action.

Improving access to services for persons in need

Victims of gender-based violence still face limited access to services. Amnesty International reported (June 2006) that while the response from the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) is generally positive, the service only operates during business hours while many sexual assault cases occur in the evening hours. Further, the police officers who are specially trained to investigate sexual assault cases are not always the investigators of the crime. Usually, the investigating officer is a police officer from the region in which the crime was committed and who may not have received any training in sexual assault investigations.

Importance of Comprehensive Sexuality Education

“Comprehensive Sexuality Education (CSE) which is both inclusive and non-stigmatizing, and promotes gender equality and the rights of young people, plays a key role in the battle against sexual and gender-based violence. There is compelling evidence that comprehensive sexuality education (CSE) enables young people to protect their health, well-being and dignity. CSE provides basic, fundamental sexual and reproductive health and rights information that is essential for young people to fully comprehend their bodies, feelings, and sexuality, in order to enable them make well informed choices, but also goes beyond biological information to include values creation around gender equality by providing..."
children and young people with age-appropriate, culture sensitive and phased education based on human rights, gender equality, relationships, reproduction, sexual behaviors, risks and prevention of ill health, and emphasizes values such as respect, inclusion, non-discrimination, equality, empathy, responsibility and reciprocity. Because CSE programmes are based on human rights principles, they advance gender equality and the rights and empowerment of young people.

Access of Safe Spaces

Shelters represent an important institutional support for women and men who have been victimized. Carol Watson Williams (2016) observed that leaving an abusive relationship is complex and, in the case of some women victims, they leave and return multiple times before finally ending the relationship; others never leave. It is important, she argues for women to have a space where they (and their children) can get counselling on a consistent basis or can live if necessary. The Woman Incorporated (Crisis Centre) is the only organization in Jamaica that operates a crisis centre that provides support and shelter for women affected by physical violence. Currently, there is only one official shelter for battered women. This shelter, located in the Kingston and St. Andrew Metropolitan area, reopened in 2017 and can only accommodate 12 women and their children.

Recommendations

1. Establish clear definitions of domestic violence and other issues related to gender violence in line with the WHO definitions within national legislation, in particular The Domestic Violence Act, (2004).
2. Guarantee financial and institutional support and ensure nation-wide implementation of the recently launched 10-year national strategic action plan to eliminate gender-based violence, including through training of security and judicial personnel to handle cases of gender-based violence, including for male victims, and through ensuring financial and human resources for domestic violence centres for women.
3. Revise the Human and Family Life Curriculum (HFLE) to ensure it aligns with UN technical guidelines on sexuality education (including gender-based violence, bodily integrity, consent, cultural and social norms) and provide on-going, regular training for teachers and providers to ensure content is delivered in a non-judgmental, evidence-based and non-biased manner which does not reinforce existing cultural, religious or gender stereotypes.

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i Carol Watson Williams. 2016. Women’s Health Survey Jamaica. UN Women, IDB, STATIN.
ii Statistical Institute of Jamaica (STATIN), UN Women and Inter-American Development Bank (IDB) 2018. Women’s Health Survey 2016 Jamaica. Kingston, Jamaica
vii https://www.upr-info.org/database/
viii Carol Watson Williams. 2016. Women’s Health Survey Jamaica. UN Women, IDB, STATIN.
xii UNFPA. Retrieved from https://www.unfpa.org/comprehensive-sexuality-education
xi UNESCO, 2018, International Technical Guidance on Sexuality Education. 16
xii https://www.unfpa.org/comprehensive-sexuality-education