



## Universal Periodic Review of Jamaica - May 2020

Coalition report from children in Jamaica, supported by the World Council of Churches, Jamaica Council of Churches, and the Caribbean and North America Council for Mission

### Violence against children

#### Introduction

In May 2019, the World Council of Churches, Jamaica Council of Churches and CANACOM – the Caribbean and North America Council for Mission, carried out a UPR training workshop in Kingston with participants from nine churches and organisations from across the country. These churches then held follow-up workshops with groups of children aged between 7 and 17, to ensure that their concerns and recommendations about the promotion and protection of their rights were included in this submission.

These organisations wish to thank the UN Senior Advisor for Human Rights, UNICEF and the Violence Prevention Alliance for their valuable support prior to and during the training workshop.

The churches and organisations participating in these workshops were as follows: Jamaica Baptist Union, the Quaker Church, the Methodist Church, the Moravian Church, United Church in Jamaica and the Cayman Islands, and the Peace Management Initiative. Participating organisations chose to focus on the issue of violence against children, particularly sexual violence, gang-related violence, and gun violence.

#### Legislative and Policy framework

Jamaica is a State party to the core international treaties for the protection of the rights of the child, particularly the Convention on the Rights of the Child. In 2011, Jamaica ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography.

In the UPR of Jamaica in 2015, recommendation 118.16 (South Africa) called upon Jamaica to strengthen efforts on the implementation of the Child Care and Protection Act. Recommendation 119.39 (Slovenia) called for the adoption and implementation of a comprehensive strategy to prevent violence against children. Jamaica was one of the first countries to join the Global Partnership to End Violence against Children in 2016 and to become a Pathfinder country. In this capacity, Jamaica has raised the issue of violence against children to one of national importance and is demonstrating the country's commitment to this issue. The main outcomes in the National Plan of Action for an Integrated Response to Children and Violence (NPACV), 2018-2023 are aligned to the seven strategies promulgated by the INSPIRE partnership of 10 UN and other organisations seeking to prevent violence against children<sup>1</sup>. The NPACV was tabled in the Jamaican Parliament on June 11, 2019.

However, Jamaica's response to violence against children is fragmented across various national strategies, different uncoordinated policy interventions, and unconsolidated and poorly enforced legislation. Investment in violence prevention is still insufficient, and there are significant gaps in the protective framework.<sup>2</sup>

### *Recommendations*

Greater financial support and resources must be allocated by the Government to the rights of the child in Jamaica. There is an urgent need for more organisations to work on policy implementation and advocacy for the rights of the child in a coordinated manner, and these must be fully supported and encouraged by the Government.

### Violent discipline and exposure to domestic abuse

In the UPR of 2015, recommendations 120.6 (Chile) and 121.53-54 (Sweden, Estonia) called for the explicit prohibition of corporal punishment in all settings. It is regrettable that these recommendations were merely noted by the Government of Jamaica, and not accepted.

Violent discipline at home is still the most common form of violence experienced by children in Jamaica. Eight out of ten children aged between two and 14 experienced some form of violent discipline. Although only 27% of mothers or caretakers believe children need to be physically punished<sup>3</sup>, 29 percent of the mothers said that they had already slapped their child by the time he or she was nine months old, according to the Jamaican Birth Cohort Study 2011.

Participants reported that corporal punishment is an acceptable and common form of enforcement and discipline in Jamaica. Most parents or guardians accept the belief that beating the child is the best means to instil discipline. Inflicting deliberate cuts or burns on children is considered to be ill-treatment, and in these cases the police will be called, but slapping, pinching, or beating with an instrument is considered acceptable. In rural areas especially, there is low awareness of the negative effect of violent discipline. Even some of the children reported that they considered corporal punishment on a regular basis is necessary, and that children need to be punished when they get out of control.

Participants felt that there is a lack of information about positive parenting and alternative ways to discipline a child. In other cases, information might be available but is not necessarily accessed and accepted by the community.

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<sup>1</sup><https://www.end-violence.org/inspire>

<sup>2</sup>UNICEF Situation Analysis of Jamaican Children 2018

<sup>3</sup>UNICEF

Verbal and emotional abuse is widely accepted and not considered as violence, and the effect of this kind of abuse is not adequately appreciated. Participants felt that reports of verbal or emotional abuse are not taken seriously, and victims are not listened to.

Physical and emotional neglect is often considered as a natural result of economic necessities – for example, parents need to be out at work and therefore cannot give their children sufficient attention. In addition, in some communities, children do not go to school at certain times of the year as they have to help with agricultural work such as fruit picking.

### *Recommendations*

All corporal punishment of children, including in the home, must be prohibited. This is in line with recommendations from the Committee on the Rights of the Child as well as previous recommendations in the UPR.

Parents and guardians should be provided with educational programmes and materials on positive parenting. Parents, guardians and counsellors should be empowered with skills that will lead them to accept the negative impact of verbal abuse and its link to violence. Although information is available, it is not necessarily accessed or accepted at the community level, and it is such attitudes against positive parenting which must be addressed.

Government and other interest groups should develop and increase public education campaigns at the community and national levels in order to further educate the nation on the laws and conventions governing the rights of the child. Greater efforts must be made to reach out to parents in this respect.

Better use should be made of the media to sensitize the population on the destructive impact of violence on children. The establishment of a national campaign to highlight all forms of violence would help to educate the public by re-defining violence in a more culturally appropriate manner.

The concept of community living should be re-established, in which a child is not just part of a household but also part of the community in which adults are empowered to participate in the protection of the children.

Parents or caregivers should be held accountable for failing to protect children and prevent violence against them. Existing laws for the protection of children must be enforced.

### Violence in school

While corporal punishment has been prohibited in early childhood institutions since 2005, it remains legal at higher levels of schooling. Some measures have been taken to tackle the issue of bullying, but it remains part of the culture in schools. The bullying of first year students is considered as normal and acceptable. UNICEF figures suggest that 60% of students have been bullied at some point in their lives, and 30% of students surveyed feared going to school because of bullying.<sup>4</sup> Guidance counsellors are not available in most schools, and where they are present, the ratio of counsellors to students is 1 to 500.

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<sup>4</sup>UNICEF

Participants mentioned the positive example of the Peace and Love in Schools programme<sup>5</sup> which aims to create healthy learning environments in which students feel safe, are respected, and learn alternatives to violence.

### *Recommendations*

Increased access to counsellors in schools and communities should be ensured.

Children's clubs that advocate against violence in schools and promote peace should be introduced.

Schools must be supported to develop a culture of peace where children know where to go for help, teachers are equipped to react to violence, and where mechanisms are in place for restitution.

Anti-bullying programmes should be introduced, and rules against bullying enforced.

Proper counselling and therapy both for children being bullied as well as the bullies should be available.

### Sexual violence in childhood and adolescence

Girls accounted for 97.3 % of the 1,094 child abuse reports received by the Centre for the Investigation of Sexual Offences and Child Abuse in 2016. Most cases were reports of sexual intercourse with a person under 16 years, which is below the age of consent.<sup>6</sup> According to the Jamaican Youth Risk and Resilience Survey 2006, girls ages 10-14 say their first experience of sex was forced. 30% of women ages 15-24 have experienced some form of intimate partner violence whether verbal, physical or sexual.

Only 25 percent of sexual assaults in Jamaica are reported, as victims and witnesses often remain silent out of shame and fear. Moreover, many are unaware of the agencies that provide support.<sup>7</sup>

Despite the government's efforts, trafficking for sex and forced labour involving children still occurs. Participants felt that impunity for sexual abuse still persists in Jamaica, and that the punishment for persons who are involved in sexual exploitation of minors is not severe enough.

### *Recommendations*

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<sup>5</sup><https://www.mona.uwi.edu/cop/initiative/peace-and-love-schools-programme#sthash.St2WvBgW.dpuf>

<sup>6</sup>UNICEF Situation Analysis of Jamaican Children 2018

<sup>7</sup>UNICEF Situation Analysis of Jamaican Children 2018

Appropriate penalties should be put in place for perpetrators of sexual abuse.

Children should be provided with information about agencies providing support, and should know where to ask for help if they experiencing or witnessing sexual violence. Guidance counsellors should be available to support children, and schools should be provided with materials and information about this.

### Violence leading to death involving children and adolescents

In the UPR of 2015, several recommendations called upon Jamaica to conduct effective campaigns as well as legal reforms to eradicate violence against children and young people.

Statistics from 2015 placed Jamaica among the countries with the highest rates of homicide (13th in the world)<sup>8</sup>. Most of these killings occur in vulnerable and marginalized communities, and 80% of them are a result of gang activities. In 2016, the majority of child victims were killed by a firearm – usually a gun, but sometimes by a knife or machete.

Though boys are three times more likely to be murdered than girls, Jamaica is also among the 10 countries with the highest mortality rates from homicide among adolescents girls.<sup>9</sup>

### *Recommendations*

Greater support should be offered to families in economically deprived areas or communities prone to violence, including support services, employment training opportunities, and greater measures of security.

A stronger police presence, and a wider availability of safe spaces is needed in some communities, to reduce acts of violence against children.

Children need greater levels of protection, particularly when traveling to and from school, and during the period after school until their parents or caregivers return home.

### Children in potentially vulnerable situations

In 2015, recommendation 119.34 (Cabo Verde) called for the investigation of allegations of ill-treatment of children living in centres and homes. Recommendation 118.20 (Singapore) called for the promotion of the holistic development of children from the most vulnerable families, to enhance social mobility and to break the vicious cycle of poverty. Three recommendations addressed the issue of child labour (119.36, 119.38, 121.55 Japan, Nicaragua and USA).

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<sup>8</sup>Source: ShivaKumar and others 2017 forKnowViolence in Childhood 2017.

<sup>99</sup>UNICEF

Girls are more likely to experience abuse and violence than boys, and in many situations where they experience violence, they often reach out for help from men who might further exploit them. Participants felt that - in many cases - boys are less protected, their perspectives are less likely to be taken into account, and as a result they become increasingly vulnerable.

Teenage pregnant girls often experience abuse and neglect by disappointed family, churches and peers. Participants praised the Women's Centre of Jamaica Foundation however, where they had good experiences. They felt that the Government should adopt and offer this kind of service.

Orphaned and vulnerable children are cared for through various institutional arrangements ranging from family-based care (e.g. foster care) to formal institutional care (e.g. children's homes and places of safety). Children might find themselves homeless as a result of a hurricane or a fire; from the death of a parent or guardian, or as a result of teenage pregnancy. Between 2008 and 2017, the number of children in formal alternative care has reduced by 32 per cent.<sup>10</sup> However, participants reported that despite the government's efforts, the issue was insufficiently addressed. Some said that there are not enough children's homes in the country, and although the existing ones do offer physical protection, they do not offer enough emotional support to the children living in these institutions. Participants spoke highly of the organisations which are operating in communities to provide housing and emotional solutions.

For children with disabilities, participants reported that even though most schools and churches are equipped with bathrooms and other facilities for such children, they are often still ignored and their needs and views not taken into account.

A quarter of Jamaica's children live in poverty and, as a result, are more likely to be engaged in child labour.<sup>11</sup>

The use of internet is not monitored properly; children have access to the internet without supervision. Participants felt that there is a link between increasing human trafficking and the increasing access to the internet.

### *Recommendations*

Human and financial resources must be increased for groups and institutions with responsibility for child care and protection.

Stronger sanctions against violence in government institutions such as children's homes, juvenile centres, churches and other places of safety should be taken.

The Government of Jamaica, in partnership with other stakeholders, should establish a fund and staff at least one place of safety in each constituency with oversight by the relevant agencies.

Girls from particularly poor homes should be targeted for material and other support to minimize their risk of being victims of violence and exploitation.

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<sup>10</sup>UNICEF Situation Analysis of Jamaican Children 2018

<sup>11</sup>UNICEF Situation Analysis of Jamaican Children 2018

Special provisions should be made for children with disabilities and others who cannot speak for themselves, especially when they are victims of violence, abuse or exploitation.

Measures must be taken to prevent children from being economically exploited, by adopting legislation and policies to address child labour in both the formal and informal sectors.

Children themselves need more access to training and information about how to reduce the risks of being exposed to violence and abuse.

The whole nation should be intentionally engaged through public education campaigns as to safe ways to use the internet. Telecommunication companies should facilitate safe set-up and child protective environments of the internet.

### Children in conflict with the law

In the UPR of 2015, recommendation 119.5 (Egypt) called for programmes aimed at promoting the awareness of police on human rights values and principles, and recommendations 119.30 (Spain) and 119.44 (UK) called upon the government to eliminate the practice of incarcerating juvenile offenders alongside adults. 119.27 (Chile) called for the adoption of adequate legislation to ensure that children in conflict with the law have access to justice and social reintegration, using the deprivation of liberty as the last resort. These recommendations were accepted and considered already in the process of being implemented.

Jamaica enacted the Child Diversion Act in 2018 under the Justice Reform project, with the intention that children be diverted from the formal justice system. The Ministry of Justice has stated its intention to roll out the programme in all 14 parishes between the end of 2019 and early 2020.

Participants reported that, even though the police are usually respectful in front of witnesses when they arrest a minor, the situation is different at the stations when abuse can take place. They also felt that the police are not always helpful, and fail to protect the person in trouble.

Participants reported that the police sometimes perpetrate psychological violence against children. Such children are usually of a lower socio-economic status and live in an environment where police harassment is common place and where police brutality against family members and friends has been normalized. Children in conflict with the law are normally housed in one of four juvenile correctional centres that intend to provide security, rehabilitation and education to these offenders. However, participants reported that the condition of these correctional centres is a cause of concern. Limited financial resources and aged infrastructure means that they are often not able to do more than merely house the children.<sup>12</sup> Depending on the nature of the crime committed, children in conflict with the law are sometimes incarcerated alongside adults.

### *Recommendations*

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<sup>12</sup>UNICEF Situation Analysis of Jamaican Children 2018

The Government of Jamaica should include child rights awareness in the police training curriculum, particularly the requirements for appropriate treatment in accordance to the child's age and maturity.

As the Child Diversion Act enters into force, practical measures must be taken to ensure that children are not detained with adults.

Support should be offered to both the detained child, and his or her family. In particular, a half-way house that would assist in the transition of children back to their families and schools would support the measures taken by the Ministry of Justice to establish an active programme to reintegrate the former wards of the state into school.