



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Jamaica Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

JAMAICA

Jamaica is a constitutional parliamentary democracy and a member of the Commonwealth of Nations. Two political parties have alternated in power since the first elections under universal adult suffrage in 1944; a third major party was established in late 1995. The last general election, held in March 1993, was marred by political violence and fraud. The judiciary is independent but lacks adequate resources.

The Jamaica Constabulary Force (JCF) has primary responsibility for internal security, assisted by the Island Special Constabulary Force. The Jamaica Defence Force (army, air wing, and coast guard) is charged with supporting the JCF in maintaining law and order, although it has no powers of arrest. While civilian authorities generally maintain effective control of the security forces, some members of the security forces were charged with committing human rights abuses.

The economy is based on primary products (bauxite and alumina, sugar, bananas), services (tourism, finance), and light manufacturing (garment assembly). The Government promoted private investment to stimulate economic growth and modernization, pursuing in the process a sometimes painful program of structural adjustment. Annual per capita income is \$1,850, but this figure is misleading as there is a large and widening gap between the wealthy and the impoverished.

The Government generally respects the human rights of its citizens; however, problems remained in certain areas. Although members of the security forces committed extrajudicial killings and beatings and carried out arbitrary arrests and detentions, the Government moved effectively to punish some of those

involved. Prison and jail conditions remained poor, with overcrowding, brutality against detainees, dismal sanitary conditions, and inadequate diet the norm. The judicial system was overburdened and lengthy delays in trials were common. Political violence, largely absent since the 1993 election, reappeared. Economic discrimination and violence against women remained problems, as did mob violence against those suspected of breaking the law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The security forces frequently employed lethal force in apprehending criminal suspects, usually in the guise of shoot-outs. This resulted in the killing by police of 140 people during the year. While allegations of "police murder" were frequent, the validity of some of the allegations was suspect. This problem is the result of unresolved, long-standing antipathy between the security forces and certain communities, especially among the urban poor. The JCF conducted both administrative and criminal investigations into incidents involving fatal shootings by the police. The JCF policy statement on the use of force incorporates U.N.-approved language on basic principles on the use of force and firearms by law enforcement officials.

The authorities suspended four policemen and charged one with murder, after they allegedly beat to death a 22-year-old man in a West Kingston police station in April. Police are investigating the suspicious death in May of a man held in the Port Antonio jail.

In September a jury found a policeman charged with murder in connection with a July 1995 incident in Mandeville not guilty. In that incident, two policemen fired warning shots to disperse a crowd, killing one person and wounding two others. In March the authorities brought murder charges against another policeman, one who fired into a crowd of demonstrators in West Kingston in October 1995. The courts gave a constable in St. James a suspended 3-year sentence for unlawful wounding, following a 1994 incident in which he shot a detainee in the back during a struggle.

There were no developments in the murder trial of a JCF officer accused in two July 1993 killings. No action was reported in the civil lawsuits brought by relatives of two men who died in the Constant Spring jail in October 1992.

Political violence resurged in 1996. The former chairman of the opposition Jamaica Labour Party (JLP) resigned in 1995 and established a new party, the National Democratic Movement (NDM), late that year. Tensions between the JLP and NDM remained high, with frequent vilification of the NDM by JLP leaders. Beginning in January, strongly politicized areas of Kingston and Spanish Town were repeatedly wracked by political violence. According to police, this led to 10 deaths by mid-year, including murders of NDM and JLP supporters. The Government deployed strong police and military detachments to the affected areas in response to serious outbreaks of violence, which significantly dampened the level of political violence. However, the Government could not afford to maintain strong detachments in all affected areas at all times.

Vigilantism, involving spontaneous mob executions in response to crime, rose in 1996, both in rural areas and in Kingston. Mobs killed 10 persons in West Kingston between November 1995 and September 1996, 5 of whom were charged with murder at the time of their own deaths. Official investigations into the killings did not uncover any information. Mobs lynched four other persons

suspected of robberies in rural St. Catherine in late 1995-early 1996. In May a crowd beat a man to death after he was allegedly caught sexually assaulting a 3-year-old girl in rural Hanover. In July crowds beat and slashed to death three other suspected robbers in rural St. Elizabeth (near Montego Bay). Police reported a total of 22 vigilante killings between November 1995 and August 1996.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other abuse of prisoners and detainees. However, reports of physical abuse of prisoners by guards continued, despite efforts by the Government to remove abusive guards and improve procedures.

Prison conditions remained poor, with overcrowding, inadequate diet, poor sanitary conditions, and insufficient medical care the norm. The Government continued to address these problems, allocating approximately \$750,000 (75 percent of the correctional services budget) for the improvement of prison facilities.

The Government allowed private groups, voluntary organizations, international human rights organizations, and the media to visit prisons and monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

In 1994 Parliament repealed the Suppression of Crimes Act of 1974, which permitted warrantless searches and the arrest of persons "reasonably suspected" of having committed a crime. The Jamaica Constabulary Force Act, however, now contains several of these provisions, and there were continued reports that the police abused these provisions.

The law requires police to present a detainee in court within 48 hours of detention, but the authorities continued to detain suspects, especially those from poor neighborhoods, without presenting them before a judge within the prescribed period. Magistrates inquire at least once per week into the welfare of each person listed by the JCF as being detained. There is a functioning bail system.

Foreign prisoners must pay for their own deportation once they have completed their sentences. If they cannot afford to pay, they are jailed until relatives or consulates can arrange for transportation. In effect, this constitutes an additional prison term for indigents.

The Constitution prohibits exile, and no instances of exile occurred.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, which exists in practice. However, the judicial system is overburdened and operates with inadequate resources. Trials in many cases are delayed for years, and other cases are dismissed because files cannot be located. The Government initiated a night court in September 1995, which has had some success in reducing the backlog of cases.

The Constitution allows the Court of Appeal and the Parliament to refer cases to the Judicial Committee of the Privy Council in the United Kingdom as a final court of appeal.

While the defendant's right to counsel is well-established, the courts appoint counsel for indigents only in cases of a serious offense (e.g., murder, rape, robbery, gun offenses). However, the law does not consider many offenses, including wounding with intent to cause great bodily harm, as "serious." Thus the courts try many defendants without benefit of counsel.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion by the State into the private life of the individual. The revised Jamaica Constabulary Force Act continues to give security personnel broad powers of search and seizure similar to those granted by the former Suppression of Crimes Act.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice.

The Jamaica Broadcasting Company, largely deregulated in 1988, operates two radio stations and one of the island's two television stations. The Government's broadcasting commission has the right to regulate programming during emergencies. Foreign television transmissions are unregulated and available to tens of thousands of Jamaicans through satellite antennas. The four largest newspapers, all privately owned, regularly report on human rights abuses, particularly those involving the JCF. Foreign publications are widely available.

Physical intimidation was reportedly employed against journalists to halt stories unfavorable to certain politicians and political activists.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the authorities respect them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum, and provided it to approximately 40 persons in 1994. Similar but smaller numbers of first asylum cases, mainly Cubans and Haitians, were accepted in 1995 and 1996. There were no reports of forced return of persons to a country where they feared persecution. The Government established a committee and formal procedures to review claims to refugee status. This committee denied all claims to refugee status by Cubans and

Haitians who had arrived in Jamaica since 1994. However, several Cuban applicants were granted permission to stay in Jamaica on other grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully. Periodic elections are held on the basis of universal suffrage. All citizens age 18 and over have the right to vote by secret ballot. The last general election, in March 1993, was marred by violence and fraud. The violence and fraud was most prevalent in so-called garrison communities, which are dominated by the major political parties. The People's National Party (PNP) holds a majority in the House of Representatives. The Jamaican Labour Party, which has alternated in power with the PNP since 1944, boycotted all by-elections since 1993, claiming that needed electoral reforms were not in place. Voter registration under an improved system was scheduled to begin island-wide on January 6, 1997.

There are no legal limits on the participation of women in politics. Women hold some 13 percent of all political offices and 30 percent of the senior civil service positions. Two of the 16 cabinet members are women, as is the PNP General Secretary.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. The work of the Jamaica Council for Human Rights, the country's only formal organization concerned with all aspects of human rights, was severely hampered by a lack of adequate resources which required a substantial reduction in its staff. Government officials are generally cooperative and responsive to the views of human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on grounds of race, place of origin, political opinions, color, creed, or sex. The Government largely enforces these prohibitions in practice, except for widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, especially in the garrison communities (see Section 3).

Women

In practice, women suffer from economic discrimination, sexual harassment in the workplace, and social and cultural traditions that perpetuate violence against women, including spousal abuse. The Domestic Violence Act of 1995 came into effect in May 1996. It provides additional remedies for domestic violence, including restraining orders and other noncustodial sentencing. Violence against women is widespread, but many women are reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent.

The Constitution and the 1975 Employment Act accord women full equality. The Bureau of Women's Affairs, in the Ministry of Labour, oversees programs to ensure the legal rights of women. These programs have had limited effect to date, but have raised the awareness of problems affecting women. In June the Government established a steering committee, charged with creating a Commission on Gender and Social Equity by the end of the year.

A number of active women's rights groups exist. They are concerned with a wide range of issues,

including employment, violence against women, political representation, and the image of women presented in the media. Their effectiveness is mixed, but the groups were successful in advocating enactment of the Domestic Violence Act.

Children

The Government is committed to improving children's welfare. Expenditure on education and health rose 50 percent, twice the rate of growth in the overall budget. The Ministry of Education, Youth, and Culture is responsible for implementation of the Government's programs for children.

The Juvenile Act of 1951 deals with several areas related to the protection of children, including prevention of cruelty, prohibition on causing or allowing juvenile begging, the power to bring juveniles in need of care or protection before a juvenile court, the treatment of juvenile offenders, the regulation and supervision of children's homes, and restrictions on employment of juveniles. In June the visiting Executive Director of the United Nations Children's Fund (UNICEF) said the Government had done very well in its efforts to improve the welfare and survival of children.

People with Disabilities

No laws mandate accessibility for people with disabilities. Several government agencies and nongovernmental organizations provide services and employment to various groups of disabled citizens.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form or join a trade union, and unions function freely and independently of the Government. The Labor Relations and Industrial Disputes Act (LRIDA) defines worker rights. There is a spectrum of national unions, some of which are affiliated with political parties. Approximately 15 percent of the work force is organized.

The LRIDA neither authorizes nor prohibits the right to strike, but strikes do occur. Striking workers can interrupt work without criminal liability but cannot be assured of keeping their jobs. Workers in 10 broad categories of "essential services" are prohibited from striking, a provision the International Labor Organization (ILO) has repeatedly condemned as overly inclusive. The Government did not declare any strikes illegal in 1996.

Unions maintain a wide variety of regional and international affiliations.

b. The Right to Organize and Bargain Collectively

The Government rarely interferes with union organizing efforts. Judicial and police authorities effectively enforce the LRIDA and other labor regulations. All parties are firmly committed to collective bargaining in contract negotiations, even in some nonunion settings. An independent Industrial Disputes Tribunal (IDT) hears cases where management and labor fail to reach agreement. Any cases not resolved by the IDT pass to the civil courts. The number of industrial disputes referred to the IDT declined. The IDT made decisions in a few cases, while others were settled by agreement or withdrawn. However, the majority of cases referred to the IDT remained unresolved. The LRIDA prohibits antiunion discrimination, and employees may not be fired solely for union membership. The authorities enforced this law effectively.

Domestic labor laws apply equally to the "free zones" (export processing zones). However, there are no unionized companies in any of the 3 zones--established in 1972, 1985, and 1988--which employ approximately 18,000 workers. Organizers attribute

this to resistance by foreign owners in the zones to organizing efforts, but attempts to organize plants within the zones continue. Company-controlled "workers' councils" handle grievance resolution at most free zone companies, but do not negotiate wages and conditions with management. Management determines wages and benefits within the free zones; these are generally as good as or better than those in similar industries outside the zones. The Ministry of Labor has not performed factory inspections in the free zones since 1992.

c. Prohibition of Forced or Compulsory Labor

The Constitution does not specifically address the matter of forced or compulsory labor. However, Jamaica is a party to both ILO conventions that prohibit compulsory labor, and there were no reports that this practice exists.

d. Minimum Age for Employment of Children

The Juvenile Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may only be in domestic, agricultural, or horticultural work. Enforcement, however, is erratic. Children under 12 peddle goods and services on city streets, but there is no evidence of widespread illegal employment of children in other sectors of the economy. The Educational Act stipulates that all children between 6 and 11 years of age must attend elementary school. Industrial safety, police, and truant officers are charged with enforcement. Under current economic circumstances, however, thousands of children are kept home to help with housework and avoid school fees. A 1994 UNICEF report stated that 4.6 percent of children below the age of 16 worked to help support their households.

e. Acceptable Conditions of Work

The minimum wage, raised from \$15.00 (J\$500) to \$22.50 (J\$800) per week in July, is widely considered inadequate. Most salaried workers are paid more than the legal minimum. Work over 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that is widely observed.

The Labor Ministry's Industrial Safety Division sets and enforces industrial health and safety standards, which are considered adequate. Industrial accident rates, particularly in the bauxite/alumina industry, were once again low. Public service staff reductions in the Ministries of Labor, Finance, National Security, and the Public Service have contributed to the difficulties in enforcing workplace regulations. The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law does not specifically protect other categories of workers in those circumstances.

[end of document]



[Return](#) to 1996 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.