

50/152/150



The Ministry of Foreign Affairs and Foreign Trade of Jamaica presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the study undertaken by the United Nations Secretary General on Violence against Children and the Questionnaire sent to States Parties in this regard.

Enclosed for attention is the response of the Government of Jamaica. It is hoped that the national policies and actions of Jamaica in the best interest of the child, detailed in the response, will contribute to ongoing international efforts to address violence against children.

The delay in submitting this response is regretted.

The Ministry of Foreign Affairs and Foreign Trade of Jamaica avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA
Switzerland

OHCHR REGISTRY

- 3 FEB. 2006

Recipients : *J. Gennacs.*
M. A. Milat.
.....
.....

Kingston, 25 January 2006.

50/152/150

The Ministry of Foreign Affairs and Foreign Trade of Jamaica presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the study undertaken by the United Nations Secretary General on Violence against Children and the Questionnaire sent to States Parties in this regard.

Enclosed for attention is the response of the Government of Jamaica. It is hoped that the national policies and actions of Jamaica in the best interest of the child, detailed in the response, will contribute to ongoing international efforts to address violence against children.

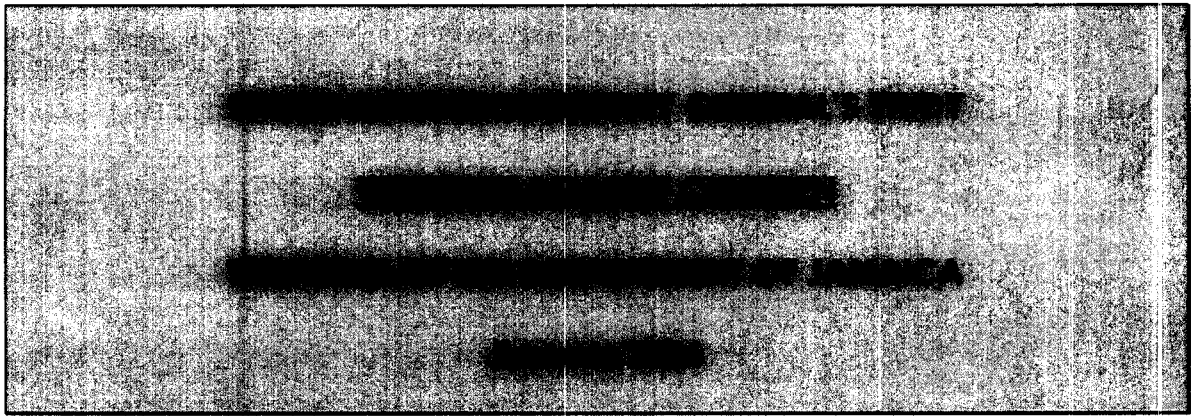
The delay in submitting this response is regretted.

The Ministry of Foreign Affairs and Foreign Trade of Jamaica avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA
Switzerland

Kingston, 25 January 2006.



Questionnaire to Governments
UNITED NATIONS SECRETARY GENERAL'S STUDY
ON VIOLENCE AGAINST CHILDREN
Jamaica's Response

I. LEGAL FRAMEWORK

International Human Rights Instruments

1. *Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.*

Jamaica is party to the major human rights instruments relating to the protection of children from all forms of violence and has sought to respect the ensuing guiding principles and obligations relating to the rights of the child (non-discrimination; best interests of the child; right to life, survival and development; and views of the child) through national implementing legislation and actions. For example:

International Instruments, Guidelines and Declarations:

- (i) Convention on the Rights of the Child (CRC); Optional Protocol to the CRC on the Involvement of Children in Armed Conflict; (and signatory of the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography).
- (ii) Convention on the Eradication of all Forms of Discrimination against Women (CEDAW).
- (iii) ILO Optional Protocols on Child Labour (Conventions 138 & 182).
- (iv) The Beijing Rules (UN Standard Minimum Rules for the Administration of Justice).
- (v) The Riyadh Guidelines (UN Guidelines for the Prevention of Juvenile Delinquency).
- (vi) JDL Rules (UN Rules for the Protection of Juveniles Deprived of their Liberty).
- (vii) Declaration on the Survival, Protection and Development of Children (signed 1990).

National Implementing Legislation

- (i) Enactment of the Child Care and Protection Act, (CCPA) 2004 (successor to the Juveniles Act, 1951)

Actions

- (i) Establishment of the Office of the Child Advocate in accordance with the Paris Principles on the status of national institution for the promotion and protection of human rights.
- (ii) Establishment of the Child Development Agency (CDA).
- (iii) Establishment of an Early Childhood Commission and tabling of an Early Childhood Bill to cover registration, operation and inspection of all Early Childhood Development Centres (ECDCs).
- (iv) Action Plans:: National Framework of Action for Children (completed for implementation in 2005); National Plan of Action for an Integrated Response to Children & Violence; National Plan of Action for Juvenile Justice; and National Strategic Plan on Youth Development.
- (v) Jamaica plays a central role in the Ministerial Meetings on Children and Social Policy in the Americas and hosted its Fifth Ministerial Meeting in Kingston in October 2000.

Legal Provisions on Violence against Children

2. *Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.*

The Constitution provides protection from arbitrary arrest and detention of all persons and guarantees the right to life; ordinary legislation deals comprehensively with violence against children, for example:

- (i) The Child Care and Protection Act (CCPA), 2004 (successor to the Juveniles Act 1951).
- (ii) The Offences Against the Person Act (OAPA).
- (iii) Law Reform (Age of Majority) Act.
- (iv) Incest (Punishment of) Act.
- (v) Children (Guardianship and Custody) Act.
- (vi) Domestic Violence Act.
- (vii) The Family Property (Rights of Spouses) Act.

3. *Provide details of any specific legislative provisions on:*
- *Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse.*
 - *Protection of children from all forms of violence.*
 - *Redress, including compensation, for child victims of violence.*
 - *Penalties for perpetrators of violence against children.*
 - *Reintegration and rehabilitation of child victims of violence.*

The Child Care and Protection Act, 2004, enacted to promote the best interests, safety and well-being of children, provides for the comprehensive protection and care of the child, defined as “a person under the age of eighteen years”. For example, in relation to:

- i. **Prevention**, the best interests of the child are of paramount consideration and this involves their:
- (a) **Security:** children are entitled to be protected from abuse, neglect and harm or threat of harm (Section 2(3)).
 - (b) **Nurturing:** the quality of parent-child relationship: a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents (physical and emotional needs; continuity in care; education and educational requirements; preservation of kinship ties and attachment to the extended family, if possible). Section 2(2).
 - (c) **Right of opinion:** where the child is of sufficient age and maturity to form his/her own views, those views should be taken into consideration when decisions relating to the child are made.
 - (d) **Needs:** Decisions relating to children should be made and implemented in timely manner.
- ii. **Care & Protection**: the CCPA established a commission of Parliament known as, the Children’s Advocate, to protect and enforce the rights of the child (Section 4).

iii. **Penalties for perpetrators:** The CCPA provides that an adult person having custody, charge or care of any child commits an offence if that person wilfully assaults, physically or mentally ill-treats, neglects, abandons or exposes such child; or causes or procures such suffering/injury to any child is liable on conviction to:

- (a) a fine or to imprisonment with hard labour for a term not exceeding five years or to both.
- (b) a fine not exceeding one million dollars or imprisonment with hard labour for a term not exceeding three years or to both.

In the case of **infanticide, manslaughter or murder** of any child:

- (a) **Infanticide:** Section 75 of the OAPA defines infanticide as a mother causing the death of her child due to her mind being “disturbed” as a consequence of childbirth (the child being under 12 months of age) and prescribes the penalty for manslaughter as the penalty.
- (b) **Manslaughter:** Section 9 of the OAPA imposes a maximum penalty of life imprisonment, with or without hard labour, or to the payment of a fine in addition to whatever punishment the Court may impose.
- (c) **Murder:** in this case would be constituted as “non-capital” attracting a maximum sentence of life sentence with the possibility of the Court specifying a period of more than seven (7) years for parole eligibility. Where the murder of a child is committed during the course of a robbery; burglary/ housebreaking; arson of a dwelling house or any sexual offence, it is categorized as “capital murder” and the death penalty may be imposed.

iv. **Redress**

On conclusion of any criminal proceedings or where criminal prosecution does not occur, civil proceedings may be instituted to seek monetary compensation (damages) to the victim or family for injury sustained. Procedures enabling this type of redress include:

- (a) **The Law Reform (Miscellaneous Provisions) Act** which enables the estate of the deceased to maintain an action in tort provided the cause of action arose six (6) months prior to death and the personal representative of the deceased's estate institutes proceedings within a specified time frame.
- (b) **The Fatal accidents Act** which enables an action to be brought by the personal representative of the deceased, for death of the person caused by wrongful act even where the death was caused in circumstances that amount to a felony.

v. **Reintegration**

The National Street Children Programme, under the Office of the Prime Minister, and L.E.A.P. Centre offer skills training to facilitate reintegration. The CDA also offers life skills training to children in residential care. Moreover, children leaving the formal state care system are given a grant to assist with the transition.

4. *Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment, and sexual exploitation against children which takes place in:*

- *The family home.*
- *Schools and pre-school care and education (formal and non-formal, state and private).*
- *Military schools.*
- *Institutions, including care, residential, health and mental health.*
- *The context of law and public order enforcement, including in detention facilities or prisons.*
- *The neighbourhood, street and the community, including in rural areas.*
- *The workplace (informal and formal).*
- *Sports and sporting facilities.*

Under **Section 28 of the OAPA** any person who abandons a child under the age of two (2) years, endangering the life and health of the child and the child is injured or likely to be injured, is liable to imprisonment for a maximum period of three (3) years, with or without hard labour.

The CCCPA addresses all forms of violence against children, stipulating that a child is in need of care and protection, in:

(i) the family home/street, if the child:

- (a) has no parent or guardian or has a parent or guardian unfit to exercise care and guardianship.
- (b) is falling into bad associations, exposed to moral danger, or is beyond control.
- (c) is being cared for in circumstances in which his/her physical or mental health or emotional state is being seriously impaired or there is substantial risk that it will be seriously impaired.
- (d) is a member of the same household as a child in respect of whom an offence has been committed or is a member of the same household as a person who has been convicted of an offence in respect of a child.
- (e) is found destitute; wandering without any settled place of abode and without visible means of subsistence; begging, receiving alms or loitering for that purpose.

(ii) the family home/school, if any adult:

- (a) having custody, charge or care of any child allows the child to not be sufficiently protected to guard against the risk of that child being drowned, poisoned, burnt or scalded, as the case may be, without taking reasonable precautions against the risk, and by reason thereof that child is killed or suffers serious injury.
- (b) who gives or causes to be given, or sells or causes to be sold, to any child any intoxicating liquor, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health.

(iii) the workplace: In accordance with S33 of the CCPA, "No person shall employ a child under the age of thirteen years in the performance of any work"; and S34 stipulates that "No person shall employ a child who has attained the age of thirteen years, but who has not attained the age of fifteen years, in the performance of any work other than (certain prescribed occupations)". Moreover, a person commits an offence if that person:

- (a) employs any child in a nightclub.
- (b) uses a child for the purposes of any conduct contrary to decency or morality.
- (c) is an owner/operator of a nightclub and permits a child to enter or remain in the nightclub.

(iv) the courts:

- (a) no child, other than an infant in arms, shall be permitted to be present in court during the trial of any other person charged with any offence or during any proceeding preliminary thereto, except if the child's presence is required as a witness or as the court may determine.
- (b) no report of any proceedings in a Children's court shall reveal the name, address or school or include any particulars calculated to lead to the identification of any child concerned in those proceedings, nor shall any picture be published as being or including a picture of any child so concerned in any such proceedings.

- (v) **in institutions**, any licensee maintaining a children's home has the duty to:
- (a) act in the best interests of every child in the home.
 - (b) ensure that every child in the home receives at all times careful and humane treatment and suitable education.
 - (c) register (name, sex, age and date of reception) every child received in the home and notify the Minister within forty-eight hours after reception of the child.
 - (d) ensure that no child leave, or be removed or transferred from the home without seven-day notification to and approval from the Minister. The Minister should be notified of the absence of any child from the home for more than twenty-four hours without permission.
 - (e) accept the visit or inspection of the home by any person authorized by the Minister or an **Officer** of the Police Force at all reasonable times to ensure that the home is properly administered and the children receiving adequate care and attention.

Moreover, a child in a place of safety, children's home or in the care of a fit person has the right to:

- (f) be fed, clothed and nurtured according to prescribes minimum standards and to be given the same quality of care as other children in the placement.
- (g) be consulted and, according to the child's abilities, to express his/her views about significant decisions affecting that child.
- (h) reasonable privacy and to possession of the child's personal belongings.
- (i) be free from corporal punishment.
- (j) receive medical and dental care (including psychological care) when required.
- (k) be provided with an interpreter if language or disability is a barrier to consulting with the child on decisions affecting the child's custody or care.

- (l) be informed of the standard of behaviour expected by the caregivers and of the consequences of not meeting that standard.

vi. **neighbourhood/street/community**

The National Street Children Programme, under the authority of the Office of the Prime Minister, and the L.E.A.P. Centre.

vii. **sports/sports facilities**

The Ministry of Local Government, Community Development and Sports and its Agency, the Institute of Sport.

5. *Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defense available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.*

The Domestic Violence Act prohibits ill-treatment of a child whether in the home or public institutions or whether administered by a family member. In addition:

- (i) *The CCPA, 2004* prohibits corporal punishment of a child in a place of safety, children's home or in the care of a fit person.
- (ii) *A Bill* entitled "**The Early Childhood Act**" was tabled in Parliament on 23 November 2004, to ban corporal punishment in early childhood institutions. The Bill, *inter alia*:
 - (a) states that corporal punishment shall not be inflicted on a child in an early childhood institution.
 - (b) proposes to make illegal the use of any electrical device to restrain a child in these institutions.
 - (c) proposes to give the minister the right to make an order to close down an early childhood institution, if there are grounds to believe that the welfare of children has been or is likely to be endangered and that it is in the public interest to make that order.

6. *Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.*

Section 3 of Jamaica's Crime (Prevention Of) Act prohibits corporal punishment for crimes committed by persons under the age of sixteen (16) years. Common Law allows for corporal punishment of the child, provided it is "reasonable chastisement" by the parents or persons in loco parentis. However, where the chastisement is unreasonable or result in injury or death, the parent will be criminally liable. Persons who are not the child's parents or in loco parentis have no lawful basis to exercise 'reasonable chastisement' by corporal punishment.

7. *Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.*

There is no legislation addressing bullying/hazing specifically, however, acts deemed as bullying/hazing, depending on the circumstances, may constitute offences under Jamaica's criminal law. Legislation on sexual harassment is under consideration and the Ministry of Justice is providing support to the Bureau of Women's Affairs in this regard.

8. *Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.*

These forms of violence are not committed in Jamaica.

9. *Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.*

Once within the jurisdiction of Jamaica, the provisions of the fundamental rights and freedoms enshrined in the Constitution and criminal law of Jamaica (with the exception of immigration law) is applicable without distinction to the immigration status of a child. Where the child's presence is due to illegal entry, such status would have application of some rights, for example, freedom of movement; non-discrimination.

10. *Provide information on any difference in the definition of violence and the applicable legal framework according to:*
- *The sex or sexual orientation of the victim and/or of the perpetrator.*
 - *The age of the victim and/or of the perpetrator.*
 - *The relationship between the victim and the perpetrator, including, but not limited to infanticide; sexual violence in marriage; incest and sexual abuse within the family; and physical chastisement.*

Jamaica's criminal law does not define violence but rather various offences which are violent by their nature. Hence, **offences** are defined by stipulating the acts that constitute the offence, and in this regard, the legal framework would take into consideration the mental element required for culpability on the part of the perpetrator, and objective criteria such as age that are imposed reflecting societal norms, eg. statutory rape and the inability of the under aged victim in law to consent. For example:

- (i) **Sexual assaults** tend to be defined in terms of the sex of the victim and the perpetrator, and their age. Accordingly, under Jamaican law a man cannot be raped as the offence as defined at Common Law only contemplates a female victim, and certainly does not contemplate a female perpetrator. **A Sexual Offences Bill** was tabled and sent to the Joint Select Committee to remove gender specific definitions in sexual offences.
- (ii) **Age as an element of an offence** tends to be an aggravating element of the crime and is related sentencing. The age/youth of the victim is seen as an aggravating factor increasing the penalties imposed. Age is also relevant as a defence in the case of statutory rape. Hence, under Jamaican law there are several offences in which the consent of the victim is irrelevant and age is the element of the offence, for example:
 - (a) **The OAPA (S45)** makes it an offence for a person (male or female) to procure any woman or girl under age 18 to have sexual intercourse by false representations.

- (b) It is an offence, attracting a maximum penalty of life imprisonment, to have sexual intercourse with a girl under the age of 12 years and an attempt attracts a penalty of 10 years maximum.
- (iii) **The sexual orientation** of a victim is not expressly stated as relevant in Jamaican law, not an expressed element of the offence, but the nature of the offence is such that persons of a particular sexual orientation would be implicated if they are sexually active. For example, under Jamaican law, the definition of rape excludes a male victim, however, ~~OAPA~~ S75 criminalizes the act of sexual assault on a male person and the **OAPA (S79)** criminalise sexual acts between males, even consenting adult males.

Regarding **the relationship between the victim and perpetrator**:

- (iv) **Infanticide**: maternal relationship.
- (v) **Sexual violence in marriage**: Jamaica's Domestic Violence Act provides various orders protecting the abused party and the relationship between the victim and the abuser is relevant for the application of its provisions, which were recently amended to facilitate abuse amongst extended family members. A spouse is not precluded from making a criminal complaint in relation to physical violence which would ordinarily amount to battery, common assault etc.
- (vi) **Incest and sexual abuse within the family** is actionable under Jamaica's criminal law whether as statutory rape, rape proper, indecent assault etc. However, the relationship of the accused to the victim, i.e. as a family member is not generally relevant. It should be noted that where the offence of incest is committed:
 - (a) between patriarchal male relative (i.e. father, grandfather etc.) and his daughter/grand-daughter, the age of the daughter has implications for sentencing, for example:

- (1) where the daughter is under the age of 12 years, the maximum imprisonment term is 10 years, otherwise it is 5 years.
 - (2) In the case of minor female the court has the right to divest the parent/guardian of any 'authority' over her and to appoint a guardian.
- (b) between consenting parties is a criminal offence under the Incest Act. The offence is defined by the relationship of the parties to each other, i.e. father/daughter, brother/sister etc.
 - (c) a female and her male relative with consent, (she being over the age of 16 years) is an offence the penalty for which is a maximum of period of 5 years imprisonment.

It should be noted that:

- (d) the Incest (Punishment of) Act permits a jury in a rape trial where they are not satisfied that the defendant is guilty of rape, to convict where appropriate, for incest in the alternative under the provisions of the Incest Act.
- (e) The rules of evidence do not generally make a spouse a compellable witness, however, this does not apply to offences under s. 5(3) of the Incest Act which provides that a wife or husband may be called without the consent of the accused.

(vii) **Physical Chastisement**

Corporal punishment or "reasonable chastisement" of the child by its parents or persons *in loco parentis* is allowed in Jamaican law. Corporal punishment becomes unlawful where it is not "reasonable". In evaluating the conduct:

- (a) the Court considers the nature of the act, the age and physical state of the child and its capacity to appreciate correction, etc.

- (b) and if it results in injury or death, the parent will be criminally liable and where the conduct results in death of the child, the accused is guilty of manslaughter.

Note that persons who are not the child's parents or *in loco parentis* have no lawful basis to exercise 'reasonable chastisement' by corporal punishment.

11. *Provide information on any recent comprehensive review of the legal framework to address violence against children.*

The National Plan of Action of Juvenile Justice developed over the last twenty-four (24) months addressed the legal framework relevant to children and violence.

12. *Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.*

(i) Adolescence and Violence in Jamaica by Lincoln Williams published by UNICEF and UNFPA 2002.

(ii) Children in especially difficulty circumstances - Review of Legislation, Mr. L. James, O.D. November 1994.

13. *Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.*

Criminal acts against children, depending on the offence, would be heard by the Family Court, the Supreme Court or the Resident Magistrate Courts. *S71(1) of the CCPA 2004* stipulates that the Minister responsible for justice shall cause to be established courts, to be known as Children's Court, for the purpose of exercising any jurisdiction, including all the powers of a Resident Magistrate's Court and the procedure shall be the same as in the Resident Magistrate's Court.

The Juvenile Unit in the Police Force gives support services to the Family Courts and Juvenile Courts. The Victim Support Unit located in the Ministry of National Security assist child victims of violent crimes.

Minimum age for sexual activity

14. *Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?*

The age of consent for a girl to have sexual intercourse is sixteen (16) years. The issue of an age of consent for sex with respect to boys does not arise.

15. *Provide information on the minimum age of marriage for women and men.*

In accordance with **Section 24 of Jamaica's Marriage Act**, persons under the age of 18 years, who have not previously been married, require the consent of their parents or guardian in order to marry. No valid marriage may be contracted by persons under the age of 16 years with parental permission.

Sexual exploitation of children

16. *Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.*

Legislation is in place to prevent the sexual exploitation; sale; and trafficking of children. For example, **the Children (Adoption of) Act (Section 21 and 23)** prohibits the advertisement of children for adoption and restricts the removal of children from the Island for the purpose of adoption; **Section 69 and 70 of the Offences against the Person Act** stipulates that child stealing or kidnapping is a crime punishable by imprisonment; and *Part I, S10(1), of the CCPA* stipulates that *"no person shall sell or participate in the trafficking of any child"*.

Pornography and harmful information

17. *Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.*

The Government of Jamaica has embarked on the development of legislation on cyber crimes which will include provisions dealing with child pornography and it is intended that it would include provisions to control and prevent the production and dissemination of pornography. It should be noted, however, that several pieces of legislation have been in place to prevent the production and publication of material that offend public order and morality, including:

- (i) **The Towns and Communities Act** which makes it an offence to sell or distribute or offer for sale or distribution, any obscene figure, drawing, painting or representation.
- (ii) **The Obscene Publications (Suppression of) Act, 1927** which makes it an offence to trade in, distribute, import, etc. obscene writings, drawings, prints, paintings, printed matter, pictures, posters emblems, photographs, cinematograph films or any other obscene objects.
- (iii) **The Customs Act** which prohibits the importation of indecent or obscene prints, paintings, photographs, cinematograph films, lithographs, engravings, books, cards, or written communications, or any indecent articles whether similar to the above or not, and any parcels, packages or packets having thereon or on the cover thereof, any words, marks or designs which are grossly offensive or of an indecent or obscene character.
- (iv) **The Post Office Regulations** which prohibits use of the postal service to post, convey or deliver, any postal article consisting of or containing any indecent or obscene print, painting, photograph,

lithograph, engraving, cinematograph film, book, card, or written communication, or any indecent or obscene article.

- (v) **The Broadcasting and Radio Re-diffusion Act, Television and Sound Broadcasting Regulations, 1996**, which prohibits the transmission of any matter in contravention of the Laws of Jamaica.
- (vi) **The Child Care and Protection Act, 2004**, which makes it an offence for an adult having custody, charge or care of any child to, among other things, wilfully assault, physically ill-treat or expose that child or cause or procure the child to be assaulted, physically ill-treated or exposed. It also prohibits the sale or trafficking of children. The Act also makes it an offence to use a child for purposes of any conduct contrary to decency or morality.
- (vii) **The Offences against the Person Act** which contains a number of provisions that criminalize specific types of sexual behaviour when committed against young girls. The offences include “carnal knowledge of a young girl” and “indecent assault”. Some of these offences set out age limits and the penalties for the offence vary accordingly.
- (viii) **Establishment of the Children’s Development Agency ((CDA)** “to achieve the holistic development of children through the creation, implementation, coordination and regulation of programmes and policies, which meet Jamaica’s obligation to international standards for children”. CDA’s proactive and reactive missions, include safeguarding children from becoming at-risk through advocacy of child rights and the development of public awareness of children’s issues and providing the necessary and appropriate interventions for children who have been identified as at risk from neglect, abuse, trauma, disability or any other factor, respectively.

18. *Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, internet, videos, electronic games, etc.*

See Response 17 above.

Reporting obligations relating to violence against children

19. *Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.*

*The CCPA 2004 imposes the obligation for professionals (especially in the health sector) and other persons to report suspected cases of violence against or abuse of children to **the Children's Registry**. All information supplied by persons required to make a report is kept in **the Children's Register**. The reach of this obligation to report is wide as seen in its Section 6(2&3) of the CCPA:*

- (i) Any person who has reason to believe that an offence has been or is being committed or that a child is otherwise in need of care and protection shall make a report to the Children's Registry (This Report should be made as soon as is reasonably possible).
- (ii) Any prescribed person who, in the discharge of that person's duties, acquires information that ought reasonably to cause that person to suspect that a child:
 - (a) has been, is being or is likely to be abandoned, neglected or, physically or sexually ill-treated; or
 - (b) is otherwise in need of care and protection shall make a report to the Registry in accordance with the provisions of this section.

Note: The CCPA defines a "**prescribed person**" as "(a) a physician, nurse, dentist or other health or mental professional; (b) an administrator of a hospital facility; (c) a school principal, teacher or other teaching professional; (d) a social worker or other social service professional; (e) an owner, operator or employee of a child day care centre or other child care

institution; (f) a guidance counsellor; or (g) any other person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child”.

Sanctions for non-reporting

In accordance with Section 6(4) of the CCPA 2004, “A person who contravenes subsection (2) or (3) commits an offence and shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment to a term not exceeding six months or to both such fine and imprisonment”.

Complaints procedures

20. *Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:*
- *the family/home.*
 - *schools and pre-school care and education (both formal and non-formal, state and private).*
 - *military schools.*
 - *institutions, state and private, including care, residential, health and mental health.*
 - *the context of law and public order enforcement including in detention facilities or prisons.*
 - *the neighbourhood, street and the community, including in rural areas.*
 - *the workplace (informal and formal).*
 - *sports and sporting facilities.*

The CCPA provides for a comprehensive reporting/complaints mechanism that revolves around the Children’s Advocate; the Children’s Registry and Children’s Register. For example, it is stated:

- (i) in **S7(1)** that “On receiving a report about a child under section 6, the Registrar shall assess the information a the report and after such assessment, may-
- (a) refer the report to the Children’s Advocate and the Government Agency responsible for children for further investigation so that the child may be brought before a court;
- OR

- (b) inform the person having custody, care or control of the child of the report, unless in the opinion of the Registrar, such information would cause physical or emotional harm to any person, endanger the safety of the child or impede an investigation under paragraph (a).”
- (ii) that where the Minister has cause to believe that any fundamental rights and freedoms have been contravened or are being contravened in relation to any child he may -
 - (a) bring the child before the a court as being in need of care and protection;
 - (b) institute or carry on, on behalf of the child, any proceedings for redress under Section 25 of the Constitution of Jamaica, unless satisfied that the child has legal representation in such proceedings;
 - (c) order any person to produce any information, record or document if there is reasonable grounds to believe said information is needed to determine whether a child is in need of care and protection.

The following complaints procedures are also provided for reporting all forms of violence against children that may occur in:

- (i) **The Family Home:** The Domestic Violence Act provides for the making of Protection and Occupation Orders against violent or abusive members of the family household. Complaints can be made on behalf of a child by another adult member of the household, relative or the police.
- (ii) **Schools:** The Ministry of Education.
- (iii) **Military schools:** There are no military schools for children in Jamaica.
- (iv) **Institutions:** Places of Safety, Children’s Home and Juvenile Correctional Centres are governed by laws that provide complaints procedures.
- (v) **Detention facilities/prisons:** are governed by laws that provide complaints procedures.
- (vi) **Neighbourhood/community:** Neighbourhood Watch, non-governmental organizations, crisis centres.
- (vii) **Workplace:** Ministry of Labour.
- (viii) **Sports Facilities:** Ministry of Local Government and Sports.

21. *Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.*

The CCPA 2004, stipulates that:

- (i) S6(6): “No action shall lie in respect of any person who makes a report to the Registry in good faith pursuant to this section.”
- (ii) S4(3): “Where in any proceedings a child is brought before the court and it appears that the child is in need of legal representation in those proceedings, the court shall-
 - (a) refer the case to the Children’s Advocate or, if the court thinks fit, grant a legal aid certificate in such circumstances as may be prescribed;
 - (b) if the court thinks fit, adjourn the proceedings until such time as the court considers sufficient to allow for, as the case may be-
 - (i) the Children’s Advocate to consider the case; or
 - (ii) the necessary arrangements to be made for the child to obtain legal representation pursuant to the legal aid certificate.”

22. *Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.*

- (i) The Legal Aid Council provide advice and representations of complaints seeking redress in the Civil Courts.
- (ii) Public education and sensitization programmes on the rights of the child to promote their well-being.

23. *Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.*

The CCPA 2004 stipulates that:

- (i) S15(1): Any constable may take into custody, without warrant, any person who commits an offence against any child within his/her view or if he/she has reasonable grounds to believe an offence was committed and that the offender will abscond or if the constable does not know and cannot ascertain that person’s name and address.

- (ii) *S17*: In any proceedings relating to an offence against a child, the court may rule that the case proceed with and determined in the absence of the child.
- (iii) *S21*: “Where a child is brought before the court as being in need of care and protection and there reason to believe that the child has been abused, the court may, of its own volition or on the application of the child’s parent or guardian, a constable or authorized officer or the Children’s Advocate, make an order requiring that the child be medically examined for the purposes of determining what steps to be taken in relation to the health and medical treatment of the child.”

24. *Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).*

The outcome of complaints in relation to:

Child victims of crimes of violence

Special treatment is given by doctors, nurses, child psychologists, counsellors, Children Officers and the legal system. Moreover, the CCPA stipulates that:

- (i) *S11(1)* “If it appears to a Justice of the Peace on information on oath laid by any person who, in the opinion of the Justice of the Peace is acting in the interests of a child that there is reasonable cause to suspect -
 - (a) that the child has been or is being assaulted, ill-treated or neglected in a manner likely to cause that child unnecessary suffering;
- (ii) *S11(2)* The Justice may issue a warrant –
 - (a) authorizing any constable -
 - (1) to search for the child and if it is found that the child has been, or is being or is likely to be assaulted, ill-treated or neglected in any such manner, or that an offence has been or is being committed in respect of

the child, to remove the child to and detain the child in a place of safety; or

(2) to remove the child with or without search to a place of safety and to detain the child there.

(b) causing any person accused of any offence mentioned in subsection (1) in respect of the child to be apprehended and brought before a summary jurisdiction in order that proceedings may be taken against him according to law.”

(iii) *S11(3)*: If satisfied that it is in the best interests of the child to remain in the household residence, the Justice would prohibit any person accused of any offence in respect of the child from:

“(a) entering or remaining in the household residence where the child resides; or

(b) following or waylaying the child in any place, until such time as the child is brought before the court.

(ii) *S11(7)*: The constable executing any warrant in this regard, may be accompanied by the person laying the information (if the person so desires) or by a qualified medical practitioner if the Justice so directs.

(c) *(S12(2))*: Any child taken to a place of safety or any child who seeks refuge in a place of safety, shall not be detained there for longer than twenty-four hours without having been brought before a juvenile court.

(d) *S65*: “Every court, in dealing with a child who is brought before it either as being in need of care or as an offender or otherwise, shall have regard to the best interests of the child and shall, if it deems it necessary, take steps for removing the child from undesirable surroundings and for securing that proper provision is made for his/her education and training.”

- (e) *S14(a)*: A Children’s Court may, if satisfied that the best interests of the child so require, “require the child’s parent or guardian to enter into a recognizance to exercise proper care and guardianship.”
- (f) *S14(e)*: If there is reasonable doubt that a person is likely to interfere with a party having custody of a child, that person would be prohibited from contacting or interfering with said party, or from attempting to do so.

Punishment of perpetrators

- (i) *S9(6)*: “Upon the trial of any adult for infanticide or for the manslaughter of a child of whom the adult had the custody, charge or care, it shall be lawful for the jury, if they are satisfied that the adult is guilty of an offence under this section to find that adult guilty of that offence.”
- (ii) *S10(2)*: Any person who sells or participate in the trafficking of any child shall be liable on conviction or indictment before a Circuit Court, to a fine or to imprisonment with hard labour for a term not exceeding ten years, or both such fine and imprisonment.

Perpetrator rehabilitation

S14(f): The court may order any person having custody, care or charge of a child that is found guilty of an offence against the child, to “receive counselling for a specified period from a fit person, qualified by his knowledge of psychology or psychiatry, appointed by the court”. This order would include the child or any other child residing with that offender.

25. *Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).*

Under Jamaican law:

- (i) a child under the age of 10 years is regarded as *doli incapax*, i.e. not capable of wrong, and is regarded as incapable of committing a crime and will not be prosecuted.
- (ii) the presumption that a child lacks the mental capacity to commit an offence so as to be criminally responsible, is a presumption that may be rebutted in relation to children 10 to 14 years of age by:
 - (a) evidence that the child knew that his act was seriously wrong (as opposed to mere childish naughtiness).
 - (b) Mere proof that the child committed the act (no matter how horrifying the act) is not sufficient.
 - (c) Interviews of the child may be conducted to lend insight into mental function of the child and provide a basis for making an inference to rebut the presumption of *doli incapax*.
 - (d) the presumption of incapacity of a child to commit an offence does not apply to children over the age of 14 years, which will be prosecuted, however their proceedings would be heard by the juvenile courts, i.e. the Family Court.

In view of the aforementioned, the CCPA stipulates that:

- (iii) (S63) *“It shall be conclusively presumed that no child under the age of twelve years can be guilty of any offence.”*
- (iv) (S76(1): **where a child has been found guilty of any offence before a Children’s Court** that court may, subject to the provisions of the CCPA, make an order: (a) dismissing the case; (b) for probation; (c) placing the child under the supervision of a probation and after-care officer for a specified period not exceeding three years; (d) committing the child to the care of any fit person whether a relative or not who is willing to undertake the care of the child; (e) sending the child to a juvenile correctional centre; (f)

ordering the parent or guardian of the child to pay a fine, damages or costs.

Imprisonment

- (v) “Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years, but in place thereof such person shall be liable to be imprisoned for life.” (S78(1):
- (vi) A child shall not be sentenced to imprisonment, whether with or without hard labour, for an offence, or be committed to an adult correctional centre in default of payment of any fine, damages or costs. (S78(4):
- (vii) “Where a child under the age of fourteen years is convicted of an offence specified in the Fourth Schedule (S64(5), and the Court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the child to be detained for such period, not exceeding twenty-five years, as the court may determine.” (S78(5):
- (viii) A court shall not order a child under the age of twelve years to be sent to a juvenile correctional centre unless for any reason the court is satisfied that the child cannot suitably be dealt with otherwise. (S79):

Family Therapy

The court may order any person having custody, care or charge of a child that is found guilty of an offence against the child, to receive counselling for a specified period from a fit person, qualified by his knowledge of psychology or psychiatry, appointed by the court. This order would include the child or any other child residing with that offender. (S14(f).

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. *Are there any governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?*

Yes.

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

The Ministry of Health & the Child Development Agency; the Jamaica Constabulary Force & the Ministry of National Security; and the Planning Institute of Jamaica are all responsible for addressing the issue of violence against children. Coordination is assured through the Inter-Sectoral Working Group. The Group is currently fine-tuning an integrated response to the problem of violence against children.

27. *Is there a lead Government authority tasked with responsibility for addressing violence against children?*

Yes.

If YES, provide details.

The Health, Protection and Promotion Division of the Ministry of Health and the Child Development Agency.

28. *Are specific financial and/or human resources allocated by your country to address violence generally?*

Yes.

If YES, indicate the extent of these allocations.

29. *Does your country allocate specific financial and/or human resources to activities to address violence against children?*

Yes.

If YES, provide details.

JA\$550million was allocated to the CDA for service delivery to victims; the National Plan of Action on Children and Violence will be costed; JA6,663,800.00 was allocated for the C.A.M.P. Bustamante Project.

30. *Do international or bilateral donors provide resources to your country for activities to address violence against children?*

Yes.

If YES, indicate the extent of these resources and the way in which they are used. These resources are used primarily for prevention and community capacity building initiatives.

The United Nations Children Fund (UNICEF), the US Agency for International Development (USAID), the Canadian International Development Agency (CIDA) and the Netherlands Government are the principal donors. UNICEF is the driving force behind funding commitments from these donors and the coordinating machine for resource utilization.

UNICEF's intervention is by way of its 2002-2006 Country Programme of Cooperation with the Government of Jamaica which also incorporates a child protection programme aimed at protecting children from violence, exploitation and abuse with particular focus on the elimination of the worst forms of child labour, provision of family and community based care for children without primary care givers.

Its contribution to the care and protection of the Jamaican child includes the development of the National Plans of Action for Juvenile Justice, Children and Violence; conduct research and dissemination of findings on street children, violence and child labour; support for the implementation of the Child Care and Protection Act; and addressing violence against children through parenting programmes and activities.

UNICEF's resource allocation base includes regular resources and resources sourced from donors. For the period 2002-2004, approximately US\$1,4million was allocated for child protection interventions in Jamaica. See Response 41 and 44.

31. *Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?*

No.

If YES, provide details.

32. *If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?*

Yes.

If YES, provide details.

A child-specific human rights institution

The Minister of Justice, the Office of the Children's Advocate and the Child Development Agency are the principal components of this institution.

The Children's Advocate, established as a Commission of Parliament, has the responsibility to:

- (i) continuously review the adequacy and effectiveness of the law and practice relating to rights and best interest of children and the services provided by the relevant authorities.
- (ii) give information to children, for example, ensure that children know the functions of the Children's Advocate and the location and manner in which they can communicate with the Children's Advocate.
- (iii) take the views of children, as well as that of persons who have custody or control of children, into account when carrying out functions.
- (iv) give advice and make recommendations on the rights or best interests of children to Parliament or the Minister or relevant authority.
- (v) assist and act on behalf of a child whose rights have been infringed (financial assistance is included).

□

- (vi) bring or intervene in legal proceedings, other than criminal proceedings, involving the law or practice relating to the rights or best interests of children.

The Child Development Agency's was established to achieve the wholistic development of children with responsibility to:

- (i) advocate for child rights and the development of public awareness of children's issues (development of policies, standards, mechanisms to address children's issues).
- (ii) identify children in need of care (investigate & assess cases of abuse and neglect).
- (iii) facilitate children in need of care (counseling, parent training, family support and other remedial work; processing adoption requests).
- (iv) coordinate and regulate child-care programmes and bodies (project management; funding; representation in international fora; development of the NGO sector; ensure non-duplication of services and efficient use of resources, and adherence to international standards; structured child-welfare projects).

□

33. *Are there any particular parliamentary structures (for example special committees) to address violence against children?*

Yes.

If YES, provide details.

The issue of violence in the society is among the responsibilities of the Internal Affairs Committee and the Human Resources Development Committee of Parliament, both of which have oversight of the Ministries with overlapping portfolio responsibility for the subject (Ministries of Justice, National Security, Education and Health).

34. *Have there been any recent parliamentary initiatives to address violence against children?*

Yes.

If YES, please give details.

Passage of the Child Care Protection Act in 2004; the Domestic Violence Act; and tabling of a Bill to ban corporal punishment in early childhood institutions.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. *Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, students associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).*
- (i) **The Jamaica Coalition on the Rights of the Child**, a non-governmental organization, continues to monitor the implementation of the Convention on the Rights of the Child by the State.
 - (ii) **The Leap Centre** caters to Kingston inner-city boys (average age 15y.o), providing a small residential facility and offering counselling, vocational training and basic literacy teaching.
 - (iv) **Children's First** provides social services, including remedial education; re-integration of school dropouts; and personal and family development income generating activities, in Spanish Town.
 - (v) **The Sociology, Psychology and Social Work Department of the University of the West Indies** established a Violence Prevention Programme as part of its outreach and family clinic with focus on providing services for children who are perpetrators of violence or at risk of involvement in violent activities.
 - (vi) **The Sam Sharpe Teacher Training College** assists risk groups with literacy skills and guidance counselling and the Western Society for the Upliftment of Children helps with pre-vocational training and job placement.

36. *Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.*

Civil society activities are coordinated by the Violence Prevention Alliance (VPA) under the Ministry of Health.

37. *Describe the role played by the media in addressing violence against children.*

- (i) **Television:** Public Service Campaigns and the Jamaica Information Service (JIS) provide updates on government policy.
- (ii) **Talk shows and vigils** assist with social mobilization and community awareness efforts.
- (iii) **The Jamaica Broadcasting Commission** regulates the emission of violence and sexually explicit material to minors.
- (iv) **The Media Managers/Press Association of Jamaica** supports activities that address violence against children.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. *Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.*

Children's involvement is integral to the development of action plan and several sessions have been held with children and focus groups.

39. *Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.*

Children between the ages of twelve (12) to seventeen (17) participated in a series of consultations/workshops for the National Plan of Action on Juvenile Justice in 2003. Among the participants were children who had the experience of giving evidence in Court in cases of violent crimes either as victims or offenders.

40. *Describe the amount and type of resources made available to support children's participation in activities to address violence against children.*

Resources provided include human and technical capacity to assist schools, civil society groups in the sensitization and awareness building projects on violence prevention.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. *Does your Government have a comprehensive policy concerning violence against children?*

Yes.

The Planning Institute of Jamaica (PIOJ) carried out a major review of the policy of the State on the issue of violence and children with the launching of a program seeking to strengthen national capacities for the prevention of violence against children and creation of protective environments for those affected.

PIOJ also leads a Working Group comprised of representatives from the Ministry of Health, **Pan American Health Organization**, Ministry of National Security, Ministry of Justice, The Broadcasting Commission, Jamaica Coalition on the Rights of the Child, Jamaica Youth for Christ, Peace and Love in Schools (PALS), Ministry of Education, Youth and Culture, on a project aimed at designing a Plan of Action for an integrated response to children and violence issues, with the support of the United Nation Children Fund (**UNICEF**). Launched in August 2003, and nearing completion, the Plan's core objectives are to:

- (i) help ensure that all children up to age eight (8), particularly vulnerable groups, have access to quality pre-natal and early childhood services and develop to their full potential by meeting their survival, growth and development needs and rights in safe and caring environments.
- (ii) foster and enhance caring, supportive and participatory environments for the development of well-adjusted healthy, responsible and empowered adolescents (ages nine (9) to eighteen (18) who are capable of contributing to their own and to national development.
- (iii) strengthen national and sub-national capacities by promoting and protecting child rights through social policy, advocacy and focused interventions for children in need of special care and protection.

42. *Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?*

Yes.

If YES, please provide available summary reports, URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

The following are among Government/Government-supported programmes aimed at preventing and responding to violence against children.

Community-based Intervention

The Healthy Lifestyle Initiative is a model of community development being implemented in the Mountain View area by the Ministry of Health in collaboration with the Peace Management Initiative (PMI); the Social Development Commission (SDC); the Area Youth Foundation (AYF), the Girls Brigade; and the Community Relations Branch of the Jamaica Constabulary Force. A multifaceted initiative that includes:

- (i) Cultural activities (Information Fairs; Healthy Lifestyle Fairs; community concerts).
- (ii) Young Leaders Training Programmes (adolescents trained in communication; relationships, values and conflict resolution).
- (iii) Community Peer Educators training in positive parenting for assignment to carry out home visits.
- (iv) The Backyard Gardening Project.

Hospital-based Intervention

The Camp Bustamante Initiative, launched in January 2004 at the Bustamante Hospital for Children to enable the hospital and community to identify the signs and symptoms of physical and sexual abuse or neglect.

Intervention includes:

- (i) employment of a small cadre of social workers to intervene in cases of abuse and violence against children.
- (ii) use of a case management system involving home and school visits; referrals to the CDA and other social service agencies, such as the Child Guidance Clinic and the Victims Support Unit; and counselling sessions.
- (iii) Production/distribution of low-literacy educational materials to promote positive parenting and violence prevention messages

School-based Intervention

The Change from Within Initiative is a collaborative effort between the University of the West Indies and the Ministry of Health that focuses on human resource development on the basis of a partnership between schools, communities, organizations and the larger society and by identifying and developing methodologies designed to promote cooperative interaction in schools. The project was developed on the approach that change and growth begin with the positives existing within the environment and relying on school and community resources to encourage the positive change process.

- (i) Initial focus was on four inner-city schools, since then over 30 schools have benefited from the programme. Seventeen (17) schools are currently involved in the project.
- (ii) A survey is underway in schools to obtain quantitative baseline data to enable better assessment of the impact of the programme.

Government/Government-supported Programmes for preventing and responding to violence against children

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	✓	✓	✓	✓		
Schools	✓	✓	✓	✓		

Neighbourhood/Community	✓	✓	✓	✓		
Workplace						
Law enforcement	✓	✓	✓	✓		
Other						

43. *Does your Government monitor the impact of these policies and programmes directed towards violence against children?*

Yes.

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

(i) The Jamaica Injury Surveillance System (JISS)

To respond to the escalation of violence-related injuries, the Ministry of Health, in collaboration with the University of the West Indies; the US Centre for Disease Control (CDC), the Tropical Metabolism Research Institute and the Kingston Public Hospital (KPH), designed a violence-related injury surveillance system (VRISS) which was added to the existing Patient Administration System (PAS) and piloted at the KPH in 1998.

The VRISS/PAS System was expanded to create the JISS and is currently operational at nine of the eleven computerized hospitals across the island, manned by trained medical records officers tracking unintentional injuries, motor vehicle accidents, attempted suicides and storing the following data: circumstance of injury; place of occurrence; date of occurrence; method of injury; and relationship between victim/perpetrator; and geographic location (rural/urban).

This information is used in the development and implementation of intervention strategies to reduce violence-related injuries and to minimize the negative impact on the country's limited health care resources. The Ministry of Health also works closely, in this regard, with the Victim Support Unit; the Child Guidance Clinic; and the Children's Services Division.

(ii) The Centre for the Investigation of Sexual Offences and Child Abuse

This Centre was established by the Community relations Branch of the Jamaica Constabulary Force to encourage victims to report incidents of sexual offences and child abuse; provides counselling and therapy; and conducts public education programmes in schools, training institutions and in communities.

44. *Does your Government participate in any internationally coordinated activities concerning violence against children?*

Yes.

If YES, please provide details.

i. **The GOJ-UNICEF supported Country Program**, established to strengthen national, community and family capacities to promote, protect and fulfil the rights of all children; prevent violence against children and create protective environments for those affected; and ensure opportunities to meet and sustain their full potential.

To achieve this goal, the Programme adopted a rights-based life cycle approach (interventions implemented at specific points in the lives of children in order to make a critical difference in their overall development) and involves the implementation of activities across the following three components:

- (a) **Early Childhood Development Programme (0-8y.o.):** to help ensure that all children up to the age of eight years old, particularly vulnerable groups, have access to quality prenatal and early child hood services and develop to their full potential.
- (b) **Adolescent Development and Participation (9-19y.o.):** foster and enhance caring, supportive and participatory environments for the development of well-adjusted, healthy, responsible and empowered nine to nineteen year olds.

- (c) **Policy, Advocacy and Special Care and Protection:** strengthen national and sub-national capacities for protecting and promoting child rights through social policy, advocacy and focused interventions for children in need of special care and protection (HIV/AIDS affected; exploited; abused; neglected; children with disabilities; and children in conflict with the law).
- ii. **The Social Conflict and Legal Reform Programme**, joint project of the Government of Canada/Government of Jamaica comprising establishment of:
 - (a) a pilot basic/early childhood institution.
 - (b) pilot Peace & Justice Centres in the inner-city communities of Trench Town (Kingston) and Flankers (St James) which operate and adjudicate Dispute Resolution Foundation cases.
 - (c) conflict management training programmes for teachers, parents, mediators and facilitators.
- iii. **The Violence Prevention Alliance (VPA)** a non-governmental body of the World Health Organization (WHO) committed to violence prevention through information sharing and facilitating collaboration to influence policies related to violence. The Jamaican branch of the VPA was launched in November 2004.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. *Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?*

Yes.

- (i) Jamaican Children and their Families: A Situation Assessment and Analysis, 1999-2000, Planning Institute of Jamaica/UNICEF, 2001.
- (ii) The Epidemic of Violence, Dr. Deanna Ashley, Dr. Elizabeth Ward, Ministry of Health, Jamaica, 2000.

- (iii) The Child Adolescent Behaviour in Jamaica, Uki Atkinson, Junior Research Fellow, Department of Obstetrics, Gynaecology and Child Health, UWI, Mona, 2000.
- (iv) Sexual Violence & Exploitation of Children in Latin America and the Caribbean: The Case of Jamaica, Uruguay, Sian Williams, 2000.

46. *Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?*

In 2002, the Ministry of National Security & Justice carried out a series of interview studies within the framework of its Juvenile Justice System Project, interviewing:

- (i) Children in: children's homes; places of safety; schools; attendance centres (for children with poor/unruly conduct in school); correctional centres.
- (ii) Juveniles, perpetrators of crime and street children.
- (iii) Coordinators of juvenile and street children; Administrators in homes and attendance centres.

47. *Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?*

Yes.

- (i) Children as Victims: The Victim Study, 2000, Ministry of National Security.
- (ii) The Comprehensive Study of Children's Exposure to Violence - Analysis from a Cohort Study of Jamaican Children, Dr. Maureen Samms-Vaughn, Department of Child Health, UWI, Mona, 2001.

48. *Have studies or surveys been undertaken into the impact of legal measures to address violence against children?*

No.

49. *Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?*

Primary investigation into all child deaths, in which it is known or suspected that violence played a part, is carried out by the Jamaica

Constabulary Force and subsequent reports are submitted to the Coroner for the purpose of a formal inquest. Inquests are held with a Jury.

50. *Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?*

Deaths in which the Coroner has received reports and how the cases are disposed of are statistically reported to the Minister of Justice by the Coroner of each parish, quarterly.

51. *If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply).*

Sex	✓
Age	✓
Ethnicity	
Manner of death (homicide, suicide, undetermined)	✓
External causes of death (firearm, strangulation, etc.)	✓
Geographical location of incident (address)	✓
Scene of occurrence (home, school, etc.)	✓
Time and date of incident	✓
Victim-perpetrator relationship	✓
Other	✓

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Children Victims of Violence

	2000 (71)	2001 (81)	2002 (90)	2003 (70)
<u>Age Group</u>				
1 - 3	0	6	5	0
4 - 7	3	1	3	2
8-11	1	4	2	0
12-15	12	17	21	11
16-18	55	53	59	57
<u>Gender</u>				
Female	10	16	31	8
Male	61	65	59	62
<u>Weapon</u>				
Gun	35	51	49	43
Knife	18	20	23	20
Other	18	10	18	7
<u>Day</u>				
Sunday	10	9	13	5
Monday	12	16	8	7
Tuesday	7	9	18	7
Wednesday	11	15	12	13
Thursday	11	9	9	8
Friday	7	15	20	14
Saturday	13	8	10	16
<u>Time</u>				
12mn-6am	12	13	15	7
6am-12md	7	15	20	19
12md-6pm	18	23	25	16
6pm-12mn	34	30	30	28
<u>Place</u>				
Home	11	2	11	4
School	0	0	2	0
Other	60	79	77	66
<u>Geog. Location</u>				
Rural	49	53	48	30
Urban	22	28	42	40
<u>Perpetrator</u>				
Father	2	2	1	
Uncle		2		2

Brother	2	1		2
Stepfather	1		1	1
Stepmother			2	
No relation	66	78	85	5
Arrests				
	40	33	51	42
Convictions				

Source: Jamaica Constabulary Force-Statistics Department, September 2004.

	<u>Suicides</u>			
	2000	2001	2002	2003
Age Group				
12-15		6 (3F/3M)	2 (1F/1M)	1 (F)
16-18	1 (16y.o)	5 (2F/3M)	1 (M)	2 (M)
Gender				
Female	1	5	1	1
Male		6	2	2
Method				
Drowning		1 (F)		
Hanging		7 (2F/5M)	3	3
Jumping		1 (F)		
Shooting		1 (M)		
Poisoning	1	1 (F)		
Geog. Area				
Rural		28	2	2
Urban		53	1	1

Source: Jamaica Constabulary Force-Statistics Department, September 2004.

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

Yes.

- i. **The Dispute Resolution Foundation (DRF)** mechanism was instituted to provide mediation and conflict resolution training in communities. The DRF works closely with the Ministry of National Security on restorative justice and the delivery of services under the Social conflict and Legal Reform and Citizens Security Projects.

The DRF: has conducted training in conflict resolution and mediation skills in the most volatile communities across Jamaica assisted the Government in the establishment of Peace & Justice Centres which provide a sustainable framework for alternate dispute settlement

- ii. **The Early Childhood (EC) Training Partnership Programme**, a GOJ-UNICEF supported project developed in partnership with the Ministry of Education, Youth & Culture and the HEART/NTA that has: developed a training delivery model for future training and certification of EC practitioners. 4,597 EC (Basic Schools & Day Care Centres) practitioners in child health issues, including immunization; breastfeeding were trained.
- iii. **The Roving Caregiver Programme** that involves the training of caregivers to assist with parenting education (especially for teen mothers).

55. *How were the campaign messages and information disseminated (check all that apply)?*

Print media	✓
Radio	✓
Television	✓
Theatre	✓
Schools	✓
Others	

56. *Over the last five years, has your Government provided, commissioned or sponsored training programmes and which provider groups received training (check all that apply)?*

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists, dentists)	✓	✓		✓	
Public health practitioners	✓	✓		✓	
Social workers and psychologists	✓	✓		✓	
Teachers and other educators				✓	
Court officials (including judges)	✓	✓	✓		✓
Police	✓	✓	✓	✓	

Prison officers	✓	✓		✓	
Juvenile offenders personnel Institution personnel Parents/guardians	✓	✓	✓	✓	
Other (please specify)					

Period 6 2005/mjft/