

Jamaica - Human Rights Scorecard ¹

Jamaica is a small island country located in the Greater Antilles chain of the Caribbean Sea. The island was populated by indigenous Arawak and Taino peoples before the arrival of Spanish colonizers in the 15th century. During both the Spanish and subsequent British reigns over the island nation, Jamaica was repopulated with agricultural slaves from Africa. Jamaica received independence from the UK in 1962. Modern-day Jamaica struggles with high levels of economic inequality.

Official language: English, Jamaican Patois (national language)

Ethnic groups: 92.1% Black; 6.1% Mixed; 1.8% Other

Government: Unitary parliamentary constitutional monarchy

- Monarch: Elizabeth II
- Governor-General: Patrick Allen
- Prime Minister: Andrew Holness

Population: 2.9 million

Life expectancy: 75.8 years

Under-5 mortality: 17 per 1000

Adult literacy: 87%

Death penalty: Retentionist



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.730 – High Human Development ³

According to the UNDP, Jamaicans enjoy a gross national income per capita of \$8,350, could expect to have on average 12.8 years of schooling. Compared to other countries with comparable gross national income per capita, this is a very high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ⁴

There are numerous reports of government security forces, mainly police, committing arbitrary and unlawful killings of Jamaicans.

Freedom from disappearance



Respected ⁵

There are no reports of disappearances on behalf of the government in Jamaica.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected ⁶

The law prohibits torture and similar practices, though there are sometimes reports of physical abuse of individuals in police custody.

Freedom from arbitrary arrest or detention



Partially respected ⁷

The Jamaican constitution protects against arbitrary arrest, but permits the arrests of “reasonably respected” individuals. The government generally does however respect the right of detainees to challenge the lawfulness of their arrest.

Freedom from denial of fair public trial



Partially respected⁸

The government generally respects the right to an independent judiciary, though trials are often delayed by long periods of time due to disorganization in handling evidence and the inconsistent showing of witnesses.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected⁹

Jamaican law allows for broad powers of search and seizure without a warrant.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 11.33, Rank: 6 / 180 – Largely free, diverse, and independent¹¹

Jamaica is among the countries that most respect freedom of information, and there has been no serious physical threat to journalists in the country in 10 years.

Freedom from academic censorship



Respected¹²

There are no government restrictions on academic freedom in Jamaica.

Freedom of peaceful assembly and association



Respected¹³

The government and constitution protect the right to assembly and association.

Freedom of religion



Respected¹⁴

The Jamaican constitution provides for freedom of religion, and this is generally respected. The government and several NGO's operating on this Island actively work to promote more tolerance to religious minority groups, including Rastafarians.

Freedom of movement



Partially respected¹⁵

Jamaican law provides for freedom of movement, though residents do sometimes report having to produce identification to travel in and out of certain zones within the country.

Protection of refugees and stateless persons



Partially respected¹⁶

Jamaican law does not provide for granting asylum or refugee status, though refugee cases are handled administratively and there are government protections against deporting refugees to home countries where their lives may be threatened.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



2.5 / 7 – Free¹⁹

Although outlying reports of violations continue to be made, the government by and large respects Jamaicans' civil liberties.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



2 / 7 – Free²¹

Jamaicans are free to choose their government in fair and periodic elections. Observers consistently deem these elections as transparent, free, and peaceful.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 44%, Rank: 68 / 180 – Some corruption²³

Although the law criminalizes corruption, the government did not effectively enforce anti-corruption measures in Jamaica, despite numerous reports of government corruption throughout the year.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

Several NGO's and human rights groups operate in Jamaica without government restriction, and the government is often responsive to their views.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed – Limited dangers to minorities²⁶

According to Minorities Rights Group International, Jamaica does not have any minorities which face an immediate threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 71.3%, Rank: 52 / 142 – Somewhat unequal rights²⁸

Women often face discrimination, pay gaps, and sexual harassment in the workplace. Spousal rape is only criminalized in certain circumstances, and domestic violence against women continues to persist as a severe problem.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 80.6%, Rank: 48 / 182 – Protected³⁰

Widespread child abuse does persist in Jamaica and the laws against it are enforced only sporadically.

Rights of persons with disabilities



Largely disrespected³¹

Accessibility standards are not maintained, and persons with disabilities face discrimination in employment, schools, and health care.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected³²

There are few reports of racial or ethnic discrimination in Jamaica.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{33 34}

There is a criminal penalty for engaging in same-sex activity, and homophobia remains persistent throughout the country.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³⁵

Rights to association and collective bargaining are generally respected in Jamaica, and it is a criminal offence to prevent workers from unionizing.

Freedom from forced or compulsory labour



Partially respected³⁶

Fines and penalties for forced labour are an effective deterrent, though the government does sometimes fail to follow through with investigations. Jamaica is also a destination for labour trafficking.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³⁷

The government does not effectively enforce its child labour laws, particularly in the realms of domestic servitude, agriculture and fishing, the drug trade, and sexual trafficking.

Right to acceptable conditions of work



Partially respected³⁸

Most workers are paid above the minimum wage, and fines were sufficient to deter gross violations of physical working conditions, though the labour ministry remains too understaffed to constantly monitor safety conditions throughout the country.

Right to employment



15% - Extreme unemployment³⁹

Unemployment remains extremely high, and a large number of Jamaicans resort to working in the informal sector in order to make an income.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Jamaica" UNDP, based on 2014 or the most recent year available. Accessed Jan. 8, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2013 Jamaica." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed November 23, 2014.

<http://rsf.org/index2014/en-index2014.php>.

¹² "Country Reports on Human Rights Practices for 2013 Jamaica." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Jamaica." World Report 2014: Jamaica. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Jamaica>.

¹⁴ "Jamaica." International Religious Freedom Report for 2013. January 1, 2013. Accessed November 25, 2014.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Jamaica." World Report 2014: Jamaica. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Jamaica>.

¹⁶ "Jamaica." World Report 2014: Jamaica. January 1, 2014. Accessed November 25, 2014. <http://www.hrw.org/world-report/2014/country-chapters/Jamaica>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Jamaica." Freedom in the World 2014: Jamaica. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Jamaica-0#.VIIIHzGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ "Jamaica." Freedom in the World 2014: Jamaica. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Jamaica-0#.VIIIHzGG9e8>.

²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Jamaica." Corruption by Country. January 1, 2014. Accessed November 25, 2014. <http://www.transparency.org/country#BHR>.

²⁴ "Country Reports on Human Rights Practices for 2013 Jamaica." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

²⁶ "Jamaica." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Jamaica." World Economic Forum. January 1, 2014. Accessed November 25, 2014. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed November 25, 2014. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2013 Jamaica." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed November 25, 2014. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2013 Jamaica." U.S Department of State. January 1, 2013. Accessed November 23, 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed December 7, 2014. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.