

JAMAICA

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

FOR THE 103RD SESSION OF THE HUMAN
RIGHTS COMMITTEE (17 OCTOBER - 4
NOVEMBER 2011)

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2011 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Index: AMR 38/003/2011
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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INTRODUCTION

Amnesty International is submitting this briefing to the Human Rights Committee ahead of its examination of Jamaica's third periodic report on the implementation of the International Covenant on Civil and Political Rights. The document briefly highlights main aspects of Amnesty International's on-going human rights concerns in Jamaica as well as human rights violations which occurred in the context of the state of emergency between 23 May and 22 July 2010. Further details on these concerns can be found in the Amnesty International publications referred to in the text; and in particular in the reports enclosed to this briefing:

- *Jamaica: A long road to justice? Human rights violations under the state of emergency*, AI Index: AMR 38/002/2011, 23 May 2011, <http://www.amnesty.org/en/library/info/AMR38/002/2011/en>.
- *Jamaica: Public security reforms and human rights in Jamaica*, AI Index: AMR 38/001/2009, 21 July 2009, <http://www.amnesty.org/en/library/info/AMR38/001/2009/en>.

NON-DISCRIMINATION (ARTICLES 2 AND 26)

Rights of lesbian, gay, bisexual and transgender people (Question 6)

Jamaican criminal law continues to include provisions that discriminate, both formally and in the manner in which they are applied, on grounds of sex (see articles 76, 77 and 79 of the Offences against the Person Act). Amnesty International also considers that the Jamaican government has not implemented measures adequate to protect lesbian, gay, bisexual and transgender people from the violence and other forms of discrimination with which they are targeted by reason of their sexual orientation alone.

In 2010, interviews conducted by the Jamaican association Women for Women on 11 lesbian, bisexual and transgender women victims of violence found that only one had reported the rape to the police and after two years she was still waiting for the court hearing. The others had not reported the crime because they feared being criminalized on account of their sexual orientation.

The Jamaica Forum for Lesbians, All-Sexuals & Gays (J-FLAG) reported in June that 51 homophobic incidents had been registered in Jamaica between January and June 2011, representing a rise compared to the same period over 2010. These incidents include mob attacks, physical abuse, home evictions and discrimination. Some of the incidents were perpetrated by police officers.¹

For example, just after midnight on 20 February 2011, approximately 20 heavily armed officers raided a gay club in Montego Bay. The police reportedly kicked in the doors of the club, beat and pistol-whipped patrons, and chased patrons from the venue. The police reportedly used homophobic language when intimidating and beating patrons. The police did not disclose the purpose of the raid. At least ten people are reported to have been treated at hospital for injuries received during the raid. Nobody was arrested.

Amnesty International believes that such attacks continue to occur and go unpunished at least in part because of the retention of discriminatory laws (Articles 76, 77 and 79 of the Offences Against the Person Act) that effectively outlaw same-sex conduct, and send a message that such discrimination is endorsed by the state.

The discrimination has potentially been further entrenched by provisions included in the new Charter of Fundamental Rights and Freedoms adopted in April 2011, which replaces Chapter III of the Jamaican Constitution (sections 8-20). Section 8(3)(i) of the Constitution now recognises "the right to freedom from discrimination on the ground of ... being male or female", and 8(3)(j)(ii) the right to "respect for and protection of private and family life, and privacy of the home", and other rights of potential relevance to persons of same-sex sexual orientation. However, section 8(12) provides in part that: "Nothing contained in or done under the authority of any law in force immediately before the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, relating to a) sexual offences ... shall be held to be inconsistent with or in contravention of the provisions of this Chapter." This provision appears to have been specifically intended to protect articles 76, 77 and 79 of the Offences Against the Person Act against any claims that the laws, or even particular enforcement actions taken under them, violate the human rights of lesbian, gay, bisexual and transgender people. The provision therefore seems fundamentally inconsistent with the prohibition of discrimination in articles 2 and 26 of the Covenant (as well as other provisions such as the right to private and family life) together with the right to a remedy in article 2.

Charter article 18 also contravenes the Covenant by discriminating against persons in same-sex relationships on the basis of their sex alone, in providing that "[n]othing contained in or done under any law in so far as it restricts (a) marriage; or (b) any other relationship in respect of which any rights and obligations similar to those pertaining to marriage are conferred upon persons as if they were husband and wife, to one man and one woman shall be regarded as being inconsistent with or in contravention of the provisions of this Chapter" and that "[n]o form of marriage or other relationship referred to in subsection (1), other than the voluntary union of one man and one woman may be contracted or legally recognized in Jamaica."

Amnesty International continues to call on the Jamaican government to:

- repeal or amend all provisions that discriminate on the basis of sex, whether formally or in effect, by criminalizing conduct between persons of the same sex that would not be criminal if engaged in by persons of the opposite sex or that have a discriminatory differential impact on persons in same-sex relationships (including articles 76, 77 and 79 of the Offences Against the Person Act);
- fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by discrimination on grounds of the victim's perceived sexual orientation;
- take effective measures to counter discriminatory attitudes against lesbian, gay, bisexual and transgender persons and protect such persons against violence motivated by such attitudes;
- revise the definition of discrimination adopted by the Charter of Fundamental Rights and Freedoms, to explicitly include gender identity and sexual orientation; repeal article 8(12) in so far as it purports to exempt all pre-existing laws concerning

sexual offences from any scrutiny under the Charter including those provisions that discriminate against LGBT persons on the basis of their sex and sexual orientation; and repeal article 18.

STATE OF EMERGENCY (ARTICLE 4)

Amnesty International remains concerned that neither the government nor the individuals allegedly responsible for human rights violations during the state of emergency, imposed more than one year ago in an operation to arrest a suspected gang leader, have yet been held accountable.

On 23 May 2010, the Governor-General of Jamaica declared a one-month State of Public Emergency in the parishes of Kingston and St Andrew. The decision was taken at the request of the Cabinet following an increase in violence in West Kingston. The conflict centred on attempts by armed supporters of Christopher “Dudus” Coke to resist efforts to take him into custody.² The US authorities were seeking Christopher Coke’s extradition to the USA where he faced charges related to drug-trafficking and firearms. (He was eventually extradited to the US where, on 1 September 2011, he pled guilty to charges of racketeering and conspiracy to commit assault with a dangerous weapon.) In late June, the state of emergency was extended for a further month and extended to the parish of St Catherine. On 22 July, the state of emergency ended after a government request for a further one-month extension was rejected by Parliament.

On 24 May, the police and the military initiated a joint operation in the West Kingston community of Tivoli Gardens. The stated purpose of the operation was to arrest Christopher Coke and re-establish order in the community. During the first two days of the operation, at least 74 people, including a member of the Jamaica Defence Force (JDF), were killed and at least 54 people, including 28 members of the security forces, were injured.

More than 40 of those killed in Tivoli Gardens are alleged to have been the victims of unlawful killings by the security forces. Unlawful killings were also reported in other operations conducted during the state of emergency. Two people (Dwayne Edwards, teenager Dale Anthony Davis) that were reportedly taken into custody remain unaccounted for and may have been victims of enforced disappearance.

The ongoing investigations into the killings that occurred under the state of emergency in West Kingston in May 2010 have so far demonstrated a certain degree of independence. This is mainly due to the prominent role taken by the Office of the Public Defender³ and to the fact that he has so far successfully asserted his Office’s status as an independent institution. Thanks to this, and to the support received by international and bilateral donors, independent forensic pathology and ballistic expertise has also been secured.

However, failures by law enforcement and other security forces to collect and preserve evidence, as well as structural weaknesses and/or limited or divided mandates within in the overall system for investigating alleged human rights violations by law enforcement or military personnel, may have compromised the ability of the investigations to fulfil their aims, and also has resulted in serious delays. Fifteen months after the incidents, investigations have not yet provided conclusive answers about what happened during the state of emergency or lead

to any criminal proceedings.

Despite the call from the Public Defender and by Jamaican human rights organisations, the government has so far not made a commitment to appoint an independent commission of inquiry to establish the truth about what happened.⁴ The Government has stated that it intends to await the report of the Public Defender into the matter before deciding whether a Commission of Inquiry should be established.⁵ Various national observers have pointed out to Amnesty International that it should already be clear that a commission of inquiry is necessary, and there is nothing to prevent steps being taken immediately to establish and prepare a commission so that it can begin its substantive work as soon as the Public Defender's investigations are complete.

Amnesty International believes that ensuring that such a commission is already up-and-running by the time the Public Defender finalizes his report holds out the prospect for shedding light on incidents, the scale and pattern of which have raised concerns that human rights violations may have occurred not as isolated incidents but as the result of policies or systemic issues. If the terms of reference are well crafted, a commission of inquiry would enable a holistic approach to fact-finding, analysis and recommendations, which might not be possible by other means. In addition to clarifying the facts and establishing individual and institutional responsibility, a commission of inquiry would also allow measures to be identified that could help prevent abuses being committed in the future.

On 23 May 2011, Amnesty International published the report: *Jamaica: A Long road to justice?* (Index number: AMR 38/002/2011). The report detailed some of the allegations of human rights violations committed during the state of emergency and described ongoing investigations into those allegations. It included a series of recommendations aimed at ensuring that independent investigations into all the allegations and issues are satisfactorily completed; that anyone found responsible for human rights violations is held accountable (including, where the violations constituted crimes, by being brought to justice); and that victims receive effective redress and reparation. The report also included a further set of recommendations aimed at enhancing the Jamaican investigative system and preventing unlawful killings in the future (see chapter 5 of the report "Conclusions and recommendations," pages 27-32).

RIGHT TO LIFE (ARTICLE 6)

Killings by police and security forces (Questions 8 and 9)

Amnesty International remains concerned at the large number of unlawful killings by police and security forces in Jamaica, as previously documented in Amnesty International reports (For further information on police killings see in particular pages 9-12 of the report published in 2009, *Jamaica: Public security reforms and human rights in Jamaica*; and concerning unlawful killings in the context of the state of emergency in particular pages 12-16 of the report *Jamaica: A long road to justice? Human rights violations under the state of emergency*, published in 2011.)

The number of people killed by the police was a record high in 2010. According to police statistics, 320 people were killed by the police. This figure does not include the 73 people killed in West Kingston between 24 and 25 May 2010.

A positive step in promoting accountability of the security forces has been the establishment of the Independent Commission of Investigations (INDECOM) in August 2010. INDECOM is mandated to carry out investigations into reports of abuses by members of the security forces; to refer cases for criminal prosecution where the evidence warrants; and to carry out studies and make recommendations of a thematic or broader policy nature. While it is encouraging that the budget allocated to INDECOM for 2011/2012 should allow the recruitment of 30 additional investigators,⁶ it is crucial that the INDECOM receives sufficient powers and co-operation from other state agencies to conduct effective investigations that actually lead to criminal and other proceedings where there is sufficient evidence of unlawful use of force or other human rights violations.

In February 2011 a Special Coroner with jurisdiction over deaths caused by agents of the state was appointed, two years after the office was created under the Coroners (Amendment) Act. The government has stated that the aim of the Special Coroner's Office is to ensure that the cases that fall within its remit are dealt with more promptly, and to increase transparency and the accountability of the state and its agents.⁷ It is crucial that the Special Coroner be given adequate resources if these aims are to be realized.

Amnesty International considers that, in order to improve investigations into killings by the security forces and other human rights violations of a criminal nature, the Jamaican government needs to take immediate steps to enhance the capacities and independence of forensic services, such as enhancing the human resources of the forensic pathology services, establishing a public morgue, purchasing additional equipment at the ballistic laboratory (for more detailed recommendations, please refer to Amnesty International's 2009 report: "*Jamaica: A Long road to justice?*". See in particular chapter 5 "Conclusions and Recommendations", pages 31-32).

Measures to respond to lethal inter-gang violence (Question 10)

Amnesty International remains concerned about the high murder rate reported in Jamaica every year (1429 people were killed in 2010) and by the impact of crime and violence for residents of marginalised inner-city communities.

Amnesty International, along with national human rights organisations and other civil society organisations, has long advocated for the adoption and the implementation of a plan to combat some of the possible root causes of violence, including disparities and discrimination in the access to economic, social and cultural rights.

In July 2011, the Cabinet adopted a National Crime Prevention and Community Safety Strategy.⁸ The Strategy incorporates a multi-sectoral approach to crime prevention and community safety⁹ based on, but not limited to, social development; effective policing and justice processes; and reducing reoffending. While this is certainly a positive step, it will be crucial that the Strategy receives adequate funding and that activities under the Strategy are carried out in consultation with rights-holders. The implementation of the Strategy, which is expected to be carried out over a period of 10 years, will have to be periodically assessed in order to ensure that a real impact is being produced for residents of inner-city communities.

Death Penalty (Question 12)

Amnesty International welcomes that no executions have been carried out since 1988. However it is concerned that death sentences continued to be handed down and that the government is not considering establishing a moratorium on death penalty.

The adoption in April 2011 of the new Charter of Fundamental Rights and Freedoms included a provision seemingly intended to reverse the effects of the landmark Privy Council decision in *Pratt and Morgan v Attorney General of Jamaica*,¹⁰ which had established that in “any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute ‘inhuman or degrading punishment or other treatment’ and that the death sentence should be commuted to life imprisonment.” Section 13(8) of the Constitution (the Charter of Rights was enacted as sections 13 to 20 of the Constitution) now states that: “The execution of a sentence of death imposed after the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2010, on any person or offence against the law of Jamaica, shall not held to be inconsistent with, or in contravention of, this section by reason of the length of time which elapses between the date on which the sentence is imposed and the date on which the sentence is executed.” As the prohibition of “torture or inhuman or degrading punishment or other treatment” are contained within section 13, the effect of section 13(8) appears to be to preclude any court or other body from holding, whether in an individual case or as a general rule, that prolonged periods on death row can ever violate the right to life or the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment. While the Committee has to date chosen not to adopt the line of reasoning articulated by the Privy Council in *Pratt and Morgan*, for a state to impose such a legal prohibition on the capacity of its courts or other bodies to determine whether torture or other ill-treatment has occurred in particular cases regardless of what evidence or legal arguments may be presented to the Court in the specific case, appears as a matter of principle to be incompatible with the non-derogable and absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in article 7 of the ICCPR and the right to a remedy in article 2 of the ICCPR, particularly where courts have already held particular treatment to constitute a violation of the prohibition of torture and other ill-treatment and the legal provision is aimed at overturning that finding.

Amnesty International continues to call on the Jamaican authorities to abolish the death penalty and commute all death sentences to terms of imprisonment. Pending abolition of the death penalty, the Government should immediately establish a moratorium on executions and ensure rigorous compliance in all death penalty cases with international standards for fair trial.

PROHIBITION OF TORTURE AND CRUEL; INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLE 7)

Prohibition of torture and other ill-treatment (Question 15)

During his visit to Jamaica in February 2010, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment observed a general atmosphere of violence and aggression in almost all police stations and received reports of several cases of beatings for the purpose of punishment. He also pointed out that detentions in police stations for a

prolonged amount of time and in conditions reflecting “a complete disregard for the dignity of detainees” amounted to inhuman and degrading treatment.

As observed by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment, it is imperative that Jamaica amend its domestic penal law in order to include the crime of torture in full accordance with article 1 of the Convention against Torture, and ensure that it is subject to adequate penalties. Failure to do so will result in acts of torture and ill-treatment to continue to be inadequately processed and sanctioned.

Amnesty International also considers that it is critical that the Jamaican authorities fully implement other key recommendations of the UN Special Rapporteur, including to reduce the period of police custody to a time limit in line with international standards, to ensure that justices of the peace and resident magistrates conduct regular visits to all police lock-ups and to establish accessible and effective complaints mechanisms in all places of detentions.

The amendments to the Constitution enacted through the new Charter of Fundamental Rights and Freedoms include other purported “exclusions” to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (over and above those mentioned in relation to the death penalty above). Subsection 8(6) states “(6) No person shall be subjected to torture or inhuman or degrading punishment or other treatment.” However, subsection (7) states:

“(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (6) to the extent that the law in question authorizes the infliction of any description of punishment which was lawful in Jamaica immediately before the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011”

Subsection (8) states, in addition to the text in (8)(a) mentioned above:

(8) The execution of a sentence of death imposed after the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, on any person for an offence against the law of Jamaica, shall not be held to be inconsistent with, or in contravention of, this section by reason of

...

(b) the physical conditions or arrangements under which such person is detained pending the execution of the sentence by virtue of any law or practice in force immediately before the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011.

As was submitted under the ‘death penalty’ heading above, for a state to impose such a legal prohibition on the capacity of its courts or other bodies to determine whether torture or other ill-treatment has occurred in particular cases regardless of what evidence or legal arguments may be presented to the Court in the specific case, appears to be fundamentally incompatible with the non-derogable and absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in article 7 of the ICCPR and the right to a

remedy in article 2 of the ICCPR.

Sexual violence against women and girls and domestic violence (Questions 16 and 17)

Amnesty International welcomes the measures indicated by the Jamaican government in the state report and in the written response to the list of issues to combat gender-based violence and support victims of sexual and domestic violence. However, in light of the high incidence of sexual violence against women and girls in the state party Amnesty International considers that the Jamaican government should take further steps to fully implement the recommendations formulated during the Universal Periodic Review and to which Jamaica expressed its support.¹¹

Amnesty International continues to call on the Jamaican government to:

- widely disseminate the Sexual Offences Act in order to ensure awareness among the rights-holders and effective application of the law by all relevant authorities
- amend the Sexual Offences Act in order to criminalise marital rape in all circumstances;
- ensure satisfactory investigation and prosecution of cases of gender-based violence;
- allocate more consistent resources to the Bureau of Women's Affairs to carry out awareness raising, education and prevention programmes;
- ensure the immediate establishment of more shelters for women victims of physical and sexual violence;
- ensure that all relevant government departments collect and publish disaggregated data and statistics on violence against women and girls; and
- ratify and implement the Optional Protocol to the Convention on the Elimination of Discrimination against Women (CEDAW).

**RIGHT TO LIBERTY AND SECURITY OF PERSON AND TREATMENT OF PERSONS
DEPRIVED OF THEIR LIBERTY (ARTICLES 9 AND 10)**

Unlawful arrest and detention under emergency regulations (Question 20)

According to information available to Amnesty International more than 4,000 people, including children, were detained under emergency regulations during the 2-months state of emergency in 2010. The vast majority of those detained were released without charge.

Exact statistics on the number of people detained and of those charged under the Emergency Power Regulations have not been released. Equally, details about the number of people still in detention, the length of time people were held, and the charges brought have not been made available.

Amnesty International is concerned that most of the people detained under emergency regulations were held without charge or trial or effective access to a court to challenge their detention. The detention regime therefore appears to have been inconsistent with Jamaica's international human rights obligations. More details on Amnesty International's concerns concerning unlawful arrests under the emergency regulations and case examples can be found in: "*Jamaica: A Long road to justice?*, (Index number: AMR 38/002/2011), pages 16-20.

Subsections 8(3(a) and 8(14)(1) of the Charter of Fundamental Rights and Freedoms adopted in April 2011 recognise the right to liberty and security of the person. Amnesty International particularly welcomes that subsection 8(14)(2) explicitly provides, among other things that: "Any person who is arrested or detained shall have the right: (a) to communicate with and be visited by his spouse, partner or family member, religious counsellor and a medical practitioner of his choice; ... (d) to communicate with and retain an attorney at-law." It may be noted that 8(14)(5) also provides that "Any person deprived of his liberty shall be treated humanely and with respect for the inherent dignity of the person."

However, provisions of the Charter also set out a system apparently designed to replace in situations of emergency the ordinary procedures for challenging the lawfulness of detention. (This is presumably as the Courts may not as a matter of practice in such situations examine the substantive merits of any *individual* habeas corpus application, though subsection 20(5) provides that in respect of emergencies "The court shall be competent to enquire into and determine whether a proclamation or resolution purporting to have been made or passed under this section was made or passed for any purpose specified in this section or whether any measures taken pursuant thereto are reasonably justified for that purpose"). In place of the ordinary courts, challenges would be directed to an "independent and impartial tribunal which shall be immediately established pursuant to law and presided over by a person appointed by the Chief Justice of Jamaica from among persons qualified to be appointed as a Judge of the Supreme Court" (subsection 8(10)). It does not appear from this language that the members of the tribunal itself would be required to be judges. Section 8(11) does not explicitly say that the tribunal has the power to order the release of persons detained in such situations though it may be intended to have that effect ("the tribunal may give directions to the authority by whom such detention or restriction was ordered concerning the continued detention or restriction of movement of that person and the authority shall act in accordance with such directions"). Such measures would be permitted where "reasonably justifiable for the purpose of dealing with the situation that exists during a period of public emergency or public disaster." "Period of public emergency" is defined, and the making of such proclamations regulated, by section 20.

Amnesty International remains concerned that the scheme contemplated by the Charter of Fundamental Rights and Freedoms for this substitute system of detention review falls short of what is required by the Covenant. The Committee has indicated that article 9(4) in whole or in part is non-derogable, yet the scheme set out in the Charter contemplates a body that falls well short of meeting the characteristics of a court (as for instance described by the Committee in General Comment no 32), and whose power to order release the Committee should, at minimum, request the government explicitly to confirm.

Children in custody (Questions 24 and 25)

Amnesty International welcomes the important steps being taken by the Jamaican government to improve adherence to international human rights standards in terms of children in conflict with the law (as indicated in the written replies to the list of issues submitted by the Jamaica government).

However, efforts of the Jamaican authorities need to be sustained, in order to ensure, among others, that: children in need of care and protection are no longer held together with those in conflict with the law; children are not held together with adults, which according to the information reported to Amnesty International is still often the case in police lock-ups; and that; juvenile offenders receive a treatment appropriate to their age and legal status.

ENDNOTES

¹ See J-FLAG Press releases, “LGBT Jamaicans & Allies Stand for Tolerance”, 17 June 2011 and “Homophobic Violence on the Increase in Jamaica”, 7 July 2011, both available at <http://www.jflag.org/>

² On 23 May, several police stations were attacked by gunmen; two were burned. The police reported that officers removing barricades erected on major roads in West Kingston were fired upon. Two police officers were killed in the community of Mountain View during the night. There were reports that heavily armed men were manning roadblocks into the Tivoli Gardens community and that others were positioned on the top of buildings in the area.

³ The Public Defender is a commission of Parliament, established by the Public Defender (Interim) Act, 1999. The Public Defender is appointed by the Governor General after consultation with the Prime Minister and the Leader of the Opposition. The Public Defender is responsible for investigating cases where an individual or a group of people might have suffered an injustice as a result of any action taken by an authority or an officer or member of an authority in the exercise of the administrative functions of that authority. The Public Defender is also mandated to investigate cases where there is suspicion that someone has suffered, is suffering or is likely to suffer an infringement of his/her constitutional rights as a result of any action taken by an authority or an officer or member of that authority.

⁴ During the UPR of Jamaica which took place in November 2010, the government rejected a recommendation formulated by the United Kingdom to “Establish an independent commission of inquiry into the events surrounding the Tivoli Gardens incident in May 2010” (UN Document A/HRC/WG.6/9/L.12, paragraph 100.17).

⁵ *Jamaica Observer*, “PM says no decision on Tivoli enquiry before Public defender’s report”, 24 February 2011.

⁶ See *RJR News*, “Shaw defends tripling INDECOM budget”, 19 April 2011. The INDECOM Corporate Plan 2011-2014 foresees that the Commission should be resourced with 138 staff responsible for implementing case management plans, conducting investigations, assessing complaints, crime scene investigations and crime scene forensic examinations. The Plan also foresees the engagement of experienced overseas foreign investigators for a period of five years in order to facilitate capacity building of national investigators and the implementation of a training programme for local investigative staff. Among the targets set out in the Plan are: a) to commence investigations within two hours of report; b) to complete investigations of general complaints within 30 days and of major complaints within 60 days; and c) to inform complainants about the status of the investigation every 15 days.

⁷ Presentation of Minister of Justice, State of Nation debate, 2009.

⁸ Development of the strategy is piloted by the Ministry of National Security. It is reported in the Foreword of the draft strategy that it “represents an integration of over 50 consultations from public and private sector bodies, civil society, NGOs, international development partners, and residents from the parishes of Kingston and St. Andrew, St. Catherine, Clarendon and St. James.”

⁹ Stakeholders consulted for the formulation of the strategy agreed on the following definition of crime prevention and community safety: “preventing, reducing or containing the social, environmental and intimidatory factors which affect people’s right to live without fear of violence and crime and which

impact upon their quality of life, and includes preventive measures that contribute to violence and crime reduction and tackle anti-social behaviour."

¹⁰ Pratt and Morgan v the Attorney General of Jamaica, [1993] UKPC 1, [1994] 2 A.C. 1 (appeal taken from Jam.).

¹¹ UN document A/HRC/16/14, paragraphes 98.13-98.16 and 99.26-99.30.