A Situational Analysis of Rape in Jamaica

Avia Ustanny, Freelance Reporter
PANOS CARIBBEAN MEDIA BRIEF
No. 11 - March 2006

Violence against women is a violation of human rights. It is also recognised internationally as an obstacle to development.
(Mar del Plata NGO forum on Women - Sept. 20, 1994)
“Real People - Real Voices!”

PANOS CARIBBEAN is a regional organization which helps journalists to cover sustainable development issues that are over-looked and misunderstood. We also help people who are affected by certain issues to express themselves through the media, and as such participate in arriving at solutions. Panos focuses on themes which transcend national boundaries, such as child rights, HIV/AIDS, environmental degradation, gender and community solutions to development challenges.

Panos works to ensure that development information is effectively used to foster informed public debate, to promote participation by all groups in society and achieve accountability of leaders and policy makers.

Children, people living with HIV/AIDS, farmers, fisher folk and other people directly impacted by development policies, are enabled to produce their own information. We particularly focus on amplifying the voices of the poor and marginalized.

Panos Caribbean also includes the Caribbean diaspora from around the world in communicating their perspectives.

Panos works in four Caribbean languages: English, French, Kreyol and Spanish. It co-ordinates local and international training seminars, stakeholder conferences, journalistic fellowships and the production of print, radio and TV materials.

Panos undertakes these activities in partnerships with local and regional associations, journalists, NGOs and other information stakeholders.

Additionally, Panos fosters regional alliances and cross-border collaboration among journalists. Panos Caribbean, through investigative teams, targets trans-border issues, collaborating both on the ground and via electronic networks. Panos allows reporters to work across political and language borders to produce new perspectives on under-reported stories.

Panos Caribbean is based in Port-au-Prince, Haiti. It operates a regional information production office in Kingston, Jamaica. It also maintains an office in Washington, DC where Panos was established in 1986 as a 501 (c) (3) not-for-profit corporation.

The global network of Panos Institutes also includes: Panos Canada (Vancouver - Canada), Panos Eastern Africa (Kampala - Uganda and Addis Ababa - Ethiopia), Panos London, Panos Paris, Panos South Asia (Kathmandu - Nepal, Dhaka - Bangladesh, New Delhi - India, Colombo - Sri Lanka and Karachi - Pakistan), Panos Southern Africa (Lusaka - Zambia) and Panos West Africa (Dakar - Senegal and Bamako - Mali).

Each Institute is independently chartered and governed with its own programme to fulfil related missions; however, much work is undertaken jointly.

Panos is supported by a diversity of donors such as Plan Haiti, Catholic Relief Services (CRS), the inter-national development co-operation agencies of the UK, USA, Denmark, Finland, Norway and Sweden, the National Institutes of Health (NIH) of the USA, the European Union, the Open Society Institute and several UN agencies.

The series of Panos Caribbean Media Briefings provides in-depth information on sustainable development issues in the region. Briefings are distributed as a free service to the media in Creole, English, French and Spanish. Please credit the Panos Institute Caribbean when using this information. Feedback is welcomed.

For more information contact
Panos Caribbean:
Main Office: 51 Route du Canapé-Vert, B.P. 1595, HT 6110 Port-au-Prince, Haiti.
T: (509) 511-1460 / 213-6864; Email: panoshaiti@aol.com.
Registered Office: 1322 18th Street, NW, Suite 26, Washington, DC 20036, USA.
T: (202) 429-0730/31; Email: panoswashington@aol.com
Regional Info Production Office: 21 Highland Close, Kingston 19, JMAAW14 Jamaica.
T/F: (876) 924-7913; Email: panosjamaica@aol.com.
Web site: www.panoscaribbean.org

For more information on Rape in Jamaica, see
“Against Her Will II, Testimonials of Women who have survived rape, No. 12 - March 2006”
The sexual abuse of children, young adolescents and adult women is common in Jamaica. In many instances, the abuse is so deeply entrenched into culture that it is generally condoned as men being men. In the meantime, many victims of rape suffer in silence, refuse to get the help needed and mask the real situation as it relates to the crime of rape.

In Jamaica, figures for rape in the last five years (2000-2004) mirror the statistics for the previous decade, showing no absolute decline.

Growing violence in society has been associated with cases of rape. During 2005, 784 cases of rape were reported to the police. This is an apparent decline, as in the previous year (2004), 860 women were raped. But the brutality with which the heinous acts were carried out, increased significantly, to the stage where women and girls were murdered. It is theorized that the increasing number of women murdered after being raped may have contributed to the decline, because the murders have increased fear among victims to report the crime.

In 2005, 188 women were killed, more than double the number in 2003 (when 87 women were murdered). In 2004 this number was 141. Twenty children were killed in 2005.

In October 2005, three women were abducted from a bar in Newport West, by armed men, who raped, robbed and shot them. The women were then thrown into a sewage main. One of them managed to escape and report the incident to the police. The police theorised that the women were victims of a feud between the McKenley and Compound gangs in Kingston.

In November 2005, 66-year-old Leebert Gordon stumbled upon the body of his 15-year-old daughter, Enid, stuffed into a shallow grave. The police confirmed that Enid had been raped the month before by two men in the district where she lived. She was killed one week before the case was due for trial.

Enid’s death was the third child murder in Westmoreland for the year. Two girls, Shaneka Shakes, nine, and her friend, Shauna-Kay Ledgister, eight, were found raped and murdered in a cane field close to Burnt Savannah in July.

Deputy Superintendent of Police Hyacinth Newman-Whiller of the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) states that rape figures persistently fluctuate. In one week, the Centre in Kingston may see as little as four cases and the next as many as 16. The fluctuating trend affects all categories of sexual offences, although in the case of carnal abuse, there has been a noticeable decline since the mid-1990s.

In 1996, carnal abuse figures were reported at 872. Eight years later, in 2004, the figure was 409, representing an overall and significant decline in reports. Incest however continues to increase: in the early nineties (1992 – 1993) incest averaged 26 cases annually. In the early years of the new decade (2000 to 2005) cases reported averaged 35 each year.

Indecent assault was added in 2000 as a new category among sexual offences. In the years with data available for this crime, figures hover around 226. There has been a significant and progressive increase in the number of buggery cases, moving from 4 in 1992 to 49 in 1997 and 37 in 2003.

In the 1990s, annual rape figures reached a high of 1295. However, previous to 1995, these figures included those for carnal abuse.
WHAT IS RAPE?
Rape is a violent act, and most commonly committed by a male upon a female. However, some cases of rape have been reported in which a woman has raped a man. Rape also may occur between members of the same sex. This is more prevalent in situations where access to the opposite sex is restricted (such as prisons, military settings, and single-sex schools).

Rape (as legally defined) includes:
1) Lack of consent
2) The use of force through physical violence or threat of physical harm
3) Oral, vaginal or anal penetration.

Rape is expressed through sex, but is not primarily about sex. The violent act is for most victims an unforgettable crisis that can lead to depression, insomnia, sexual dysfunction, difficulties with relationships, fears, phobias and nightmares. In one study it was found that 57 per cent of women who were raped suffered from post-traumatic stress syndrome.

Some women never emotionally recover fully from a rape. Posttraumatic stress disorder (PTSD) is a common complication. Symptoms include recurrent nightmares or intrusive memories (flashbacks) of the event, social withdrawal, depression, anxiety, and numbing of emotions.

More than 50 per cent of rape victims have some difficulty in re-establishing relationships with spouses or partners or, if unattached, in re-entering the “dating scene.” Any pre-existing psychiatric disorders may have worsened. Suicidal behaviours, depression, and substance abuse may develop or become more prominent. Other consequences could include HIV and other sexual transmitted infections and unwanted pregnancies.

RAPE, POVERTY AND THE INNER-CITY
Poverty of girls and young women increases their vulnerability to rape, Gender expert, Dr. Glenda Simms states. Rape, she says, is a crime affecting mainly poor women in Jamaica. Poverty is highest in rural areas, averaging 19.5 per cent, nearly 3 points above the national average.

In Jamaica, the female unemployment rate is more than twice that of males: in 2004 16.4%, as compared to 7.9% for males. Females accounted for 62.3% of the unemployed labour force and 73% of unpaid workers.

Faith St. Catherine, counselling psychologist attached to the Women’s Resource and Outreach Centre (WROC) based in inner city Kingston, states that “a lot of the women counselled, more than 70 per cent, have been raped. These are from Greenwich Park, Arnett Gardens, Lyndhurst, going down to Maxfield.”

“They (the poor) live in tenement yards and so often they are close to everybody. This creates more opportunities for rape to occur. Also, there are no family-owned vehicles such as in more affluent communities where children are brought to school and picked up by their parents. In these communities, children often have to walk in places where it is not safe alone. They are exposed.

“While parents have gone to work, children are alone at home in situations where there are a lot of men around.

“Girls sometimes can’t go to school because the parents have no money to pay the bus fare. Because they are so disadvantaged, they are more likely to follow somebody who will give them a meal. The child of the affluent cannot be bribed with a patty. But a hungry child, who does not have clothes, shoes or food, will follow someone who offers these things.”

Her assertions are supported by the case of six-year-old Shaneka Brown who was with her mother in Coronation Market in May 2005 when she was lured away by a lone man who promised to buy her patties. Citizens later discovered her body in a school compound nearby lying on her back with vaginal wounds and other injuries to her upper back and head. She was taken to the KPH where she was pronounced dead.

Ms. St. Catherine said that emotional abuse of boys, often by struggling and stressed-out single parents, is another important factor.

“There are many single mothers who are so stressed out that they tend to be abusive in the way they relate to their children.

TRENDS IN JAMAICA

1. There appears to be a connection between location in the inner-city and rape. In the St. Catherine, Kingston and St. Andrew Metropolitan area, figures have been consistently highest in the last five years for St. Andrew South.

2. In the last five years, figures for rape and carnal abuse in the rural areas have been consistently highest in the parish of Clarendon. This parish is responsible for an average 10 per cent of rapes, which equals the St. Andrew South figures (Jamaica Defense Force Statistics 1992-2004).

Over the last five years, most offenders were found to fall in the 16-20 and 21-25 age groups. Dr. Glenda Simms, Gender Consultant, contends that in this age sector the correlation is not between unemployment and rape, but between the co-optation of this group into gangs which rape. However, other experts posit a connection to unemployment.

3. Many victims know their attackers. In many cases, persons well known to the victim carry out rape. Lorreen Macfarlane, Counselor at Woman Incorporated in Kingston, stated that this may account for the reason why many women do not report the crime.

4. Rape now appears to be a routine practice during robberies where women are found to be on the premises.

5. A significant number of rapes take place in taxis following abductions.
Women can be abusive in their relations to males and so young men are angry. There is an anger factor in rape."

The counsellor also states “young girls do not get enough love and attention because parents are very stressed out. They turn to any male figure that will offer them help. They gravitate to them and then are taken disadvantage of.”

The increase in carnal abuse is also linked to economic factors, as more young girls depend on older men for support. In her 2000 report on child labour in Jamaica, Dr. Leith Dunn reported that many children under age 16 have been forced into relationships with older men as a means of increasing income to their families. These older men provide the child with food, clothing and money to attend school and some of the benefits fall into the hands of their parents, who are accessories.

Dr. Simms states that women should increase their independence of men, in order to decrease their vulnerability to sexual abuse. They should also rally for economic support (jobs, social welfare etc) of vulnerable social groups, so that this dependence can be further reduced.

![Sexual Offences for the year 2000 – 2005](image)

Faith Webster of the Bureau of Women’s affairs points out that values and attitudes plays a role. “The age of materialism and bling bling sees a society in which young girls crave material possessions at any cost, thus making them even more vulnerable to sexual exploitation,” she says.

![Sexual Offences for the year 1992 - 1999](image)

INNER-CITY VIOLENCE AND RAPE

Globally, rape is highest in areas affected by warfare. Although Jamaica is not experiencing a civil war, the number of people murdered has been over 1,000 for the past two years. And, according to Dr. Glenda Simms rape has become an important tool in the violence taking place.

“As long as there are Jamaican communities which are militarised, the figure for rape and other sexual offences will continue to increase. Women pay the price for war,” Dr. Simms stated.

The St. Catherine, Kingston and St. Andrew Metropolitan areas account for 47 per cent of all rape cases in Jamaica. And for the past five years, it has been highest in the parish of St. Andrew. These are the parishes recording some of the most brutal criminal activities in the country as well.

According to Women’s Media Watch, there are signs that the rape of girls and women is perpetrated by men in order to take revenge, terrorize and dehumanize entire communities and family members. Women and children are raped (and killed) simply because they are easier targets than their relatives or boyfriends (You defile a man’s ‘property’, in order to hurt him).

Deputy Superintendent of Police Hyacinth Newman – Whiller of the CISOCA says that the highest number of complaints of sexual assaults come from Hunts Bay, Three Miles, Majesty Gardens and other communities in St. Andrew South. However, she has seen no sign that any of this is connected to gang activity.

“Reprisal rapes do occur but they are not frequent,” she said. “In these areas, it appears that men just want to be men (Panos emphasis). There are many break-ins, during which rape occurs. They also take girls away from their schools or if they see them on the road, take them away on their bicycles and do whatever they want with them and then let them go.”

Others have however, noted strong links between community-based violence and rape.

“There does seem to be a link between rapes and some gruesome murders, all part of the reprisal syndrome, to drive fear and terror into individuals. Gang rape and rape-as-terrorism unfortunately is used on women and young girls in these troubled communities as a form of revenge and also to render the occupants powerless. It sends a message to the people in the community about ‘who run things’.”

The case files of the Director of Public Prosecution (DPP) reveal examples.

On May 16, 2002, the appeal court affirmed the judgment by the lower court in the case of five men, convicted of possession of illegal firearms and rape. The case involved two sisters, aged 15 and 16, who were sexually assaulted by 11 men.

The girls were sent by their father to a man they knew in Olympic Gardens. They saw him sitting on a wall with several other men and approached him with their father’s message. The man offered to take them to Kentucky and asked them to wait by a taxi stand. This they had done for more than an hour, when suddenly the man returned. He dragged one of the girls through a zinc fence into a yard. The sister followed to see what was happening to her. The first girl was threatened with a gun and a ratchet knife and was held while several men in the premises proceeded to force her to have oral sex.

While performing the forced oral sex, she was repeatedly raped from behind by 11 men. When she protested, she was hit in the head. She was threatened, “Gal you a go dead because a Tower Hill you come from.”

The other girl was taken to an ‘open land’ and repeatedly sexually assaulted. Both sisters were taken back to the first dwelling where they were sexually assaulted again. This time around, the proceedings were videotaped. The court was told that
the teenagers were forced to carry out “unnatural and perverse acts.”

Following the ordeal, they were taken to a bus stop and left there. They took a bus to a friend’s home. One week later the police took them to the rape centre.

Five of the perpetrators were found and prosecuted. One man was sentenced to 50 years imprisonment at hard labour on each count, each to run concurrently. Four other men were convicted and sentenced to 20 years each.

The story does not always end like this. In many cases rape and gang rape is not even reported.

According to Faith Webster, the community sometimes plays an active role in the coercion of the victim from seeking redress. The Bureau of Women’s Affairs investigated instances of “payment of compensation to the victim’s parents, resulting in pressure being placed on the child to change her story.”

Ms. Webster further noted that parents and communities both have been guilty of turning a blind eye to young girls under the age of 16 cohabiting with older men.

**INCEST: A GROWING PROBLEM**

Carnal abuse and incest of children have not declined in the last five years, although figures fluctuate. There is a cumulative increase of incest.

In 1992 – 1993 incest averaged 26 cases annually. Between 2000 and 2005, an annual average of 35 was reported.

People coming to mental health services for treatment range on average between the age of five and 14, according to Dr. Pauline Milbourn, director of Child and Adolescent Mental Health in the Ministry of Health. Most of these children have been traumatized because of recurring abuse, invariably including physical and mental abuse.

It is important to note that a child who has been fondled may be as traumatized as the child who was raped. In most cases, the mental health expert notes, the offender is someone the child knows: a relative or other person who they have known for while. Offenders are often people who the parents or guardians believe they can trust and who the child – previous to the event of abuse – also trusted.

Effects of abuse are both immediate and long term. Of many seen at the Child Guidance Clinic, their physical wounds may have healed, but their emotional wounds remain. They are often anxious, fearful and withdrawn.

“If a pin drops they are likely to jump and be frightened. They have difficulty sleeping at night and have nightmares. Some regress to bedwetting and at school performance falls. Such a child may sit gazing through the window and stop playing with other children, or may become aggressive. Children who have been abused may also engage in posttraumatic play in which the child virtually repeats the behaviour that was done to them with other children under the classroom desk or in the school bathroom.”

In the long term, the anxiety, fearfulness and depression may persist. Some may develop suicidal tendencies or may get involved in drugs. They may also get involved in prostitution as they get older or, in adulthood, find great difficulty in having normal sexual and emotional relationships.

According to the child psychologist, intervention should be done as soon as possible after the abuse is discovered. The child should be assured that it is not their fault, but that of the perpetrator. They should deal with feelings of guilt, low self esteem or self blame, be supported and shielded from further trauma.

**WHY JAMAICAN MEN RAPE**

Men in the age group 16 – 25 perform 45% of the rapes in the country and within this age group, boys of 16-20 carry out most rapes. Poverty and social alienation are the driving forces behind many of these rapes, according to a clinical sexologist.

The adolescent male is doubly disadvantaged in Jamaican society, explains Dr. Sidney McGill, clinical sexologist: by poverty and by the social alienation communicated to him by his parents.

“If he developed psychologically and emotionally as he should, then normal social interactions with his peers would be second nature. However if there are problems with who he thinks he is, it his social skills are marred but his sexual developments normal, his sex drive pushes him to satisfaction (by any means necessary).”

“So, he sees a woman who looks frail, who seems easy to overpower and he decides to take his chances. He will act especially if she seems insecure in her demeanour and the way she dresses. He can misread dress codes to mean ‘I am easy and am available’.”

The psychologist posits a relationship between economic disempowerment and the fragile male ego.

The youth unemployment rate in Jamaica, at 30.6 per cent, remains more than four times that of the adult unemployment rate (6.9 per cent average). Male youth unemployment (23.4 per cent) is still only half of female youth unemployment (40.6 per cent). The job-seeking rate among this group is however only 4.4 percent, compared to 8.3 percent for females.

Women’s Media watch claims that the inner city has a “culture of violence” (political, tribal violence, drug and gang violence etc). Sexual violence is simply a part of this.

Patriarchy is a primary cause, says Hillary Nicholson of Women’s Media Watch. According to her, many years of participatory research with men has shown that sexual violence is in many ways ‘normalized’.

**Figures on Incest - 1992 to 2005**

<table>
<thead>
<tr>
<th>Year</th>
<th>'92</th>
<th>'93</th>
<th>'94</th>
<th>'95</th>
<th>'96</th>
<th>'97</th>
<th>'98</th>
<th>'99</th>
<th>'00</th>
<th>'01</th>
<th>'02</th>
<th>'03</th>
<th>'04</th>
<th>'05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incest</td>
<td>26</td>
<td>28</td>
<td>28</td>
<td>43</td>
<td>42</td>
<td>37</td>
<td>39</td>
<td>31</td>
<td>32</td>
<td>40</td>
<td>35</td>
<td>27</td>
<td>42</td>
<td>*</td>
</tr>
</tbody>
</table>

* Figure not available

Source: Source: Jamaica Constabulary Force Department of Statistics
The gender ideology prevalent in Jamaican society includes the following beliefs:

- Men are superior and women inferior.
- Men are to be dominant, tough, aggressive; women are to be submissive and must not ‘disrespect’ a man’s headship, leadership, and power.
- Man’s role is to be head, leader, in charge, in control.
- This is divinely sanctioned, in other words, the Bible teaches that this is so (Participatory research, Women’s Media Watch).
- Women are men’s property (as of old!).
- Women have a duty to perform ‘woman’s work’ and to satisfy men sexually. If this duty is not performed, they are to be disciplined into doing their duty.
- Man has a right to discipline a woman when she does something that he perceives as wrong, partly because of his ‘superior’ knowledge or position.
- Woman must ‘stay in her place’ – women have a ‘place’ that is predetermined and below a man’s place.
- Current efforts by women to achieve gender and sexual equality are threatening; women are trying to take ‘over,’ to have power ‘over’ men.
- Men’s sexual urges are stronger than women’s and if not gratified result in physiological and psychological damage.
- Sex is a fair exchange for money spent – transactional sex. So it is the right of a boyfriend, father, husband, stepfather, uncle who spends money on a child or woman, to ‘get back something for his investment’. And the something is sex.
- Women ‘ask for it.’ Girls and women are seen to ‘deserve’ sex because of the way they dress, act, behave flirtatiously, disrespect men, or because they are known to have had sex before.

The construction of masculinity that equates it with power, control, success or aggression, means that when these factors cannot be achieved by a man (unemployment, poverty, disempowered …) his anger and frustration will be vented on a ‘safe’ (weaker) target, thus giving a (false) sense of restored power and control.

Gender socialization of women (to be caring, submissive and to depend on man) often results in low self esteem. This can lead women to accept violence (“He beats me because he loves me.” This is based on the perception that his jealousy is a sign of his desire for her, i.e. if he didn’t care for her, he wouldn’t bother to be violent!

Financial dependence on a man can also lead women to accept violence, especially young women with babies/children.

The fear of reprisal is a real issue for the victims – whether in the case of domestic violence or gang/community sexual violence – and this allows the violence to continue.

“This effort to control women includes men’s desire to control women’s sexuality. Men in our workshops have expressed the great fear that their woman might cheat on them,” Ms. Nicholson stated.

RECOVERING FROM THE TRAUMA
Counsellor Loreen McFarlane of Women Incorporated, an organization which sees a significant number of women who are abused each year - states that to the best of her knowledge victims of rape in Jamaica are completely examined.

“For victims who go to the police rape unit, this is part and parcel of the whole process. They are examined, tested for STDs and HIV and given medical treatment.”

Deputy Superintendent Hyacinth Newman-Whiller of the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) states that the processing and protection of evidence for rape cases is “fairly” good. Police at CISOCA prepare the evidence and take it to the forensic lab where a forensic certificate is secured and evidence retrieved for exhibits.

It is the deputy superintendent’s position, however, that those who experience the trauma of rape would benefit from the presence of in-house medical assistance. Women suffer, she says, especially in rural areas where they must go to hospitals and endure long waits after the registration process, before they get medical attention and counselling.

Rape victims will also be turned away from hospitals if they go there before reporting to the police. A statement must be made and medical evidence collected by the police. The police will then take the victim to the doctor to be medically examined.

Testing for HIV is not covered by health insurance but must be paid for fully out of the victim’s pockets if done anywhere else but at the Comprehensive Health Clinic or other institution to which the victim is taken by the police.

Ms. Newman-Whiller adds that resource limitations in Jamaica have prevented the use of the “Rape Kit,” used in many national systems elsewhere.

The ‘Rape Kit’ is a protocol with the materials and instructions needed to accrue the minimum amount of evidence so that a medical laboratory can conduct a thorough examination. The protocol extends from the time the first statement is taken, through evidence collection, to counselling.

“We have not been able to implement this because of fiscal considerations and I don’t think we will get there in the near future,” said Hyacinth Newman-Whiller.

CISOCA operates eight centres island-wide and has a trained police officer attached to the head station in each parish. It currently works with a network of doctors and nurses to provide rape victims with care and to collect evidence needed for the prosecution of the crime.

There are variations in the treatment received in different locations in Jamaica. In some instances, the police want to be involved first. Dr. Deana Ashley, director of the Health Promotions and Protection Division, Ministry of Health said that there is a special programme at the Bustamante Children’s Hospital. The children are identified right away and the process of treatment and working with the police begins as soon as possible.

“As soon as children who have been sexually abused or injured as a result of violence/abuse are identified, CISOCA is contacted. The medical officer on duty goes there for the examination.

“At Spanish Town hospital, somebody from the unit used to be based at the hospital so that as soon as the patient came into emergency it would be easier to conduct that process right there and then. We do not have a uniform approach across the island at this time. I would hope that we can improve this,” Dr. Ashley stated.

“There has been significant improvement in how children are handled in conditions where there is sexual abuse and any other
injury coming from violence. The programme includes social workers who do home visits in collaboration with police and Child Development Agency.

“It is an integrated approach which seeks to improve the position of children who have been injured from violence. Our children are so vulnerable. We are trying to protect them,” Dr. Ashley noted.

THE INFLUENCE OF THE MEDIA
Sexism and gender-stereotyping in the media (news, entertainment or other) contribute to traditional gender beliefs (Women’s Media Watch, 2005).

Media coverage may trivialize or sensationalize gender-based violence, particularly in the tabloids. Headlines are often insensitive – example “Parched Penis” as a Star headline (the woman poured boiling water on man’s body). Also detrimental is:

- How perpetrators and victims are portrayed, may discourage victims from reporting cases
- Common myths about gender-based violence and rape are sometimes present in the coverage (example blaming victim or family in some way).
- Media may reinforce the perception that gender-based violence exists only in isolated incidents (e.g. domestic murders are often portrayed as isolated family tragedies) and does not contribute to a real understanding of the problem.

Women’s Media Watch findings:
- 16 cases in of sensational coverage of gender-based violence were found in newspaper clippings from 2002-2005.
- Of these 16 cases, 11 were reported in The Star.

Type of Violence reported:
- 15 cases of physical assault.
- 6 cases of sexual assault.
- 4 cases resulted in death (all of these cases were reported by the Gleaner).

Causes of Violence:
- 5 cases caused by jealousy or the ending of a relationship.
- 4 cases caused by accusations of sexual abuse.
- 4 cases caused by arguments.
- 3 cases “provoked” by children for unknown reasons.

In three years of articles, very few domestic violence cases were reported. When reported, it was most often carried by The Star. Only five cases of domestic violence were reported in The Gleaner. Of these five reported cases, four resulted in deaths. It was interesting to note that of the 16 Domestic Violence stories found, four of the cases resulted in death, and the Gleaner reported all four of these cases.

Research also indicated that more sexual molestation cases were reported than domestic violence cases.

Women’s Media Watch found that the media does not often report cases of domestic violence unless the case is sensational, such as incest or extreme violence. When reported, they are often trivialized and written to seem comical. The more “respectable” newspapers do not seem to consider domestic violence as a serious crime worth reporting unless the case is extremely unusual or results in death.

“The media does not take the issue of domestic violence seriously. They do not believe that the causes and results of domestic abuse are news worthy,” Nicholson said.

LEGAL CHALLENGES
Jamaica lags behind Caribbean neighbours, such as Trinidad and Tobago, Grenada, St. Kitts and Nevis and Belize, in producing legislation which increases penalties for carnal abuse and which eases the process of trials for rape victims. Jamaica is yet to develop laws to deal with sexual harassment and no remedy is available unless there is a physical assault, which would when fall under the Offences Against the Person Act.

Specific Jamaican legal instruments for protection of persons affected by gender-based violence and punishment of offenders are the following:

For the protection of the individual rights and persons there are the:

For retributive or punitive purposes, there are:
- The Offenses Against the Person Act of 1864.
- The Incest Punishment Act – 1948.

Attorney at law and gender expert Margaret Macaulay noted that bills have been in Parliament to amend the Offences against the Persons Act and another to amend the Incest Punishment Act since 1995. These were sent to a joint select committee, which after a number of meetings adjourned. Nothing further has been done. Therefore, the offence of incest is still a misdemeanour in Jamaica, carrying very low sentences (Incest Punishment act 1948), which go over five years only if the female is under 12 years of age.

The 1991 decision by the British House of Lords clarified the Common Law position and held that a man can be guilty of raping his wife. This decision is of persuasive value to Jamaica but our law has not yet been changed. All sexual offences that exist in Jamaica, says Macaulay, are those in the Act from the 1800s and therefore do not meet present day realities.

In Grenada, St. Kitts and Nevis, Belize and Trinidad and Tobago, legislation has been enacted which protects and prevents the abuse of children.

In Jamaica the Child Care and Protection Act, 2004, did not provide up-to-date provisions to deal with physical and sexual violence against children, except in the case of trafficking and the sale of children. “It merely co-opted the existing offences in the 1864 offences against the person act,” the attorney notes.

Evidence
In Jamaica, one of the remaining obstacles for sexual assault is the need to give evidence twice. This includes the preliminary enquiry and the high court trial. The double event is traumatic for the victim largely because of the retention of the old rules of
cross examination, which permit invasive questions of past sexual conduct to be put to the complainant, who justly feels that she is under attack with this line of questioning, Macaulay states.

In Trinidad and Tobago, the 2000 Sexual Offences Amendment Act increased the penalties for sexual offences, removed the common-law presumption that boys younger than 14 years old are not capable of rape and enabled police to take into custody individuals accused of committing sexual offences without a warrant.

The 1995 bill in Jamaica would have made marital rape a statutory offence and would have also removed the presumption that boys under 14 cannot commit rape. It also planned to expand the meaning of rape used in the Incest Punishment Act, which additionally, expanded the category of persons which could be charged with incest. Because nothing has been done since 1995, Jamaica still operates under the 1884 statute.

The amended act in Trinidad has also criminalized attempts to prevent minors from giving evidence. It has also introduced the use of screens in court so that minors are barred from the sight of the accused. The act also introduced mandatory medical examination of the accused and compensation for the victim where it was found that, as a result of the sexual assault, he or she contracted HIV or other communicable diseases.

Women’s Media Watch contends that problems of sexual harassment and domestic violence are intimately connected to sexual violence and should be treated with more seriousness by lawmakers.

Currently, there is no law in Jamaica to protect women or men from sexual harassment whether in public places or in institutions. A Bureau of Women’s Affairs survey conducted in 44 state and non-state organizations conducted in January 2005 revealed that only five had any specific policies or sexual harassment code. These were the University of the West Indies, Air Jamaica, Cable & Wireless, National Commercial Bank (NCB) and Sandals Resorts.

**Sexual harassment**

While Jamaica has signed and ratified agreements to prevent discrimination and eliminate all forms of violence against women, there is no legislation to back these up. In August 2004, the Bureau of Women’s Affairs proposed to the Jamaican government a framework for a legal recourse for sexual harassment which makes such acts unlawful in the workplace, in places such as children’s homes and educational institutions—and offers an avenue for redress. Sexual harassment in public places was not included and the Bureau was advised that the Offences Against the Person Act covered that problem. The proposal for a law against sexual harassment is yet to be acted on in Parliament.

“Our constitution as it stands does not provide any constitutional relief for discrimination on the basis of sex,” notes attorney at law Macaulay. “The government has made promises that they are going to pass such legislation very soon and we hope they keep their word.”

**Solutions**

In general, society’s reaction to rape is a problem, state many who work with women who were raped. Many victims in Jamaica complain of slow and sometimes judgmental police response, slow medical attention and unclear follow-up to medical examination, and slow and often embarrassing judicial processing.

A report of the Economic Commission for Latin America and the Caribbean, July 2003, states that the government is yet to display a convincing and competent engagement with the issue of violence against women.

However, Jamaica has several policy instruments and institutional implementation mechanisms to protect women from the impact and after-effects of gender violence.

The **National Policy Statement on Women**, approved by the Government Cabinet in 1987, states that “the Government will pursue means of providing adequate protection and means of redress to women and children who are victims of family violence, incest, rape and sexual harassment”.

The Women’s Affairs Office, attached to the Ministry of Labour and Social Welfare, is responsible for carrying out gender policies, including those on domestic violence. During recent years the office has been involved in training judicial personnel.

Through its Child Guidance Unit, the Ministry of Education carries out two programmes for the prevention of violence.

“Peace and Love in Schools” is a programme on conflict resolution techniques. Another project, “Change From Within,” focuses on the development of self-esteem in students and in school personnel in order to promote healthy relations in the school community.

The creation of CISOCA also represents a change where the law enforcement arm of government seeks to both prevent and prosecute rape.

There is a wide variety of NGOs in the country that work with the different groups affected by gender violence.

The Association of Women’s Organizations in Jamaica (AWOJA) is an umbrella organization that brings together approximately 30 member groups and 30 individual members.

Woman Incorporated focuses on police awareness of the needs of victims of rape and domestic violence. Woman Inc. participates in the Police Training Programme at Twickenham Park. They also educate the general public and lobby for legal reform and law enforcement.

There are also organizations that specialize in services for children, such as the Big Sister Movement, Children’s Lobby, Fathers Inc and agencies working with the adolescent population, such as Women’s Centre and Teen in Action.

The Ministry of Health has a clinic at the University Hospital of the West Indies that specializes in counselling for children affected by physical violence and sexual abuse. The Comprehensive Health Clinic also provides attention and guidance for the child population. Help can also be accessed at the Child Guidance Clinics. In Kingston, this clinic is located at the Bustamante Children’s Hospital.
Key Recommendations

Experts note that the solutions may be in the hands of women – the primary victims of sexual violence - themselves. Dr. Simms states that women are failing to rally around this problem, as they view rape as an individual event instead of a group event. Dr. Simms feels that women together should push for policies. This would increase the awareness of those things that make women vulnerable.

Counselling psychologist Faith St. Catherine from the Women’s Resource and Outreach Centre in Kingston states that she believes that there is much more that the Jamaican government can do.

- “We need aggressive and a more proactive approach to parenting. We need to enforce the rights of children. There is not enough effort to protect our children. Penalize those who neglect them. The laws are there but the public needs education. The laws also need enforcement.

- Ms. St. Catherine believes that the authorities should also look at the whole education system as “poor girls are going to school without lunch money or bus fares” and this creates problems.

“There is a direct connection between rape and poverty. We need more counselling for young people in poorer communities, especially for the males who are unemployed and angry. There should be personal development programmes and counselling, rather than just throwing them in jail. Look more at rehabilitating males. Instead, we rely only on the jails where they become more hardened,” Ms. St. Catherine said.

- **Focus on the male mind**
  Clinical sexologist Dr. Sidney Mcgill suggests that there needs to be a changing of the male mind which should get male adolescents into the pattern of developing good relationships with the opposite sex.

**CALLS FOR IMMEDIATE ACTION**

- The establishment of halfway houses for victims. There are none supported by government.

- Economic support provided for families affected by sexual violence (individuals and families frequently have to leave their place of abode).

- The provision of more trained mental health workers. Currently children who are victims of carnal abuse and incest are put on along waiting list for attention.

- The need for parent training. Fostering a new culture in which parents listen to their children and believe what they say.

- Increase supervision for children after School and during holiday breaks. CISOCA reports that incest and carnal abuse cases surge during breaks.

- More counsellors are needed in the primary school system.

- Changes to the system whereby children and rape victims are expected to give their testimony many times. Psychologists also note that children would never have to face the perpetrator, especially repeatedly.

- Legal changes permitting the use of child testimony without corroboration.

- Mental health care for child perpetrators. Many perpetrators are children themselves who are never seen in the national mental health services.

*Women’s Media Watch*
“You can teach a man to manage his emotions. Develop in a boy a solid sense of himself, ego, his sense of purpose, his self-confidence. Providing opportunities and facilities for him to develop in sports, having a sufficient amount of mentors who can guide him through the different periods of his development, someone he can confide in and trust, who will not violate him. He must see justice. He must believe that the authorities are just starting with his home and community.

- **The Church’s Role**
  Vanguards of justice and righteousness, such as churches, have to be more than social gatherings. The psychologist asserts that churches, schools and social organizations have a major role to play.

He suggests that we should also develop parent support groups for adults who have families. Parents who have their own scars need support groups, to prevent passing them on to their children.

The “un-involvement of men in relationship with their sons and their daughters” needs to be addressed also.

“The son needs a living image to emulate and which supports him. Daughters learn from fathers to be less dependent on men and have their identity and feminity affirmed by the father. They don’t have to be longing for affirmation and identity in dangerous places.”

---

**Endnotes**

1 All rape and murder statistics are from the Jamaica Constabulary Force Statistics Department, unless otherwise stated.


3 Economic and Social Survey, 2004
Information Sources

Counsellor Loreen MacFarlane
Woman Incorporated
5 Denehurst Road, Kingston.
Phone 929-2997

Sydney McGill
Clinical Sexologist and Family Systems Analyst
Phone: 973-5008

Dr. Pauline Milbourn
Director of Child and Adolescent Mental Health
Ministry of Health

Ministry of Health
Phone: 967-1100

Hilary Nicholson
Women’s Media Watch
14 South Avenue, Kingston
Phone: 926-0882

Dr. Glenda Simms
Gender Consultant

Police Crime Statistics
Constabulary Communications Network, Kingston
Phone: 927-3412

Faith St. Catherine
Counselling Psychologist
Women’s Resource and Outreach Centre, Kingston
Phone: 929-8873

Faith Webster
Bureau of Women’s Affairs

DSP Hyacinth Newman Whiller
Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA)
3 Ruthven Road, Kingston 10
Phone: 926-7318

Bibliography


Mar del Plata, NGO Forum on Women (September 20, 1994).

Planning Institute of Jamaica, Economic and Social Survey Jamaica 2004.


