Children at Risk: A review of sexual abuse incidents and child protection issues in Jamaica

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Abstract

The right of children to be protected from abuse is grounded in international law. Children should be free to enjoy their childhoods and to engage with their physical environment without fear for their safety. In recent years, girls and women in Jamaica have been targeted by men who rape and/or otherwise sexually assault them. This is without doubt, unacceptable. This article presents a qualitative review of girls’ sexual molestation occurrence, the response of the Jamaican government and its agents and members of civil society. The article also calls on the government of Jamaica to act decisively in strengthening its legal mechanisms to deal with villains and also to act swiftly in providing support for victims and their families in an attempt to stem the tide of sexual violence and to assure society that they are in control.

Keywords: sexual abuse, sexual violence, child protection, children rights, Jamaica

Introduction

Jamaica has signed several specific international legal treaties and declarations aimed at upholding and preserving the rights and welfare of the vulnerable in society, especially women and children. A number of relevant local laws are also in force, which support the international treaties. Nevertheless, the government, through state agencies such as the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), the Office of the Children’s Advocate (OCA) and the Child Development Agency (CDA) have had to be playing ‘catch up’ to sexual predators across the island in trying to tackle the scourge of sexual molestation that is being afflicted upon women and girls, in defiance of both local and international laws. The result of this scourge of sexual violence against women and girls has resulted in a new panic of fear for sexual molestation and/or abuse across Jamaica as a whole as sexual predators continue to flout the law, and as state agencies and ministries, non-governmental organizations and civil society come to grips.
with the seeming erosion of values and of women’s and girls’ rights. Over the last 24 months, examples and cases of children who have been abused and violated in the most menacing and vicious of ways, have littered the local media. And rightfully so, prompting key questions such as, ‘What is the value of children’s rights, particularly the rights of girls, in Jamaica?’

One can be forgiven for assuming that the laws of a country exist for the protection of all citizens within that country. Similarly, and by extension, international laws exist for the protection of all citizens, everywhere. Nevertheless, the ongoing spate of sexual violence against women in Jamaica seem to suggest that ‘in Jamaica, the law is not a shackle.’ Older and ‘old men’—often teachers, family members and/or other persons known to them—have raped and impregnated young girls. 

Frighteningly, policy and law enforcement officials seem tentative about how to tackle the current wave of sexual violence and the concomitant degradation of the rights and freedom of women and girls at this time.

Should twenty-first century democratic Jamaica not find this abuse and violence against women and girls unacceptable? Should children’s rights and freedoms not be upheld as paramount? Following an incident in 2012, the mother of an eight year old rape victim told the press, ‘My daughter no longer wants to stay in Jamaica.’ What message does that send to adults in society? What comfort does that afford an eight year old child or a child of any age—that to be safe she has to live outside her own country? The state, as the Corporate Parent, has a duty to uphold the civil liberties, rights and freedoms of all citizens, especially the vulnerable. In Jamaica, however, there is growing evidence that, for the moment, this does not appear to be happening; rather more children are left feeling scared, vulnerable and susceptible whilst desperately hoping that, if their biological parents and/or communities are unable to protect them, then at a minimum, the Corporate Parent, the State, will—or at least try.

This article brings to light the issue of sexual abuse and violence against girls in Jamaica. A broad human rights model will frame the debate and discussion, also drawing on Bronfenbrenner’s Ecological Systems Theory. The aim of this article is not to embarrass the government and/or people of Jamaica, especially victims of sexual abuse and violence. Rather, it is to agitate for the protection and preservation of the rights and dignity of girls in Jamaica through a socio-legal interventionist model.

**Theory**

Article 1 of the Universal Declaration of Human Rights (UDHR) (1948) states that ‘All human beings are born free and equal in dignity and rights … ’ Consequently, any person who is robbed of their dignity through sexual abuse and violence has had their rights breached and this is wholly unacceptable. Article 7 also states ‘All are equal before the law and are entitled without any discrimination to equal protection of the law,’ implying that the government, through both the legislature and judiciary, has a responsibility to secure and safeguard the rights of all citizens. Importantly, Article 1 of the Convention against Torture (CAT, 1984) is explicit in condemning physical abuse of any kind—including dehumanizing and degrading acts such as rape and sexual violence. Extending CAT, the International Convention on the Elimination of All Forms of
Discrimination against Women (CEDAW, 1979) foregrounds women’s and girl’s rights and freedoms in all facets of life. Indeed, CEDAW singles out women and girls as a group requiring special protection under International Law. The entire Convention on the Rights of the Child (CRC, 1989) is devoted to children rights; and Article 19 places specific obligation on governments in areas such as sexual abuse and violence:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

These international legal treaties are well supported by Jamaica’s own Offences Against the Person Act (1864), which sets out the punishments for aggravated assaults against women and children (s40); the Child Care and Protection Act (CCPA, 2004), which created the Office of the Child Advocate (s4); and the Sexual Offences Act (2009), which created the Sex Offenders Registry and Register (s29). Indeed, section 5 of the CCPA affirms Article 3 of the Convention on the Rights of the Child (CRC) in underlining the ‘Best Interest’ principle whilst simultaneously placing specific duties on adults, including parents, teachers, day-care centre workers, doctors, nurses, guidance counsellors, and other persons who work with children to see to the welfare needs and wellbeing of children in their care.

Ecological Systems Theory
The Ecological Systems Theory posits development as the result of a range of environmental influences, which can be divided into five discrete but interrelated layers (Bronfenbrenner, 1974). By using the contextual framework from Bronfenbrenner, to examine the layers of influence concerning children who are subjects of sexual abuse and violence in Jamaica, focus is placed on the quality and context of a child or young person’s environment through analysing five layers of influence, namely: the microsystem, mesosystem, exosystem, macrosystem and chronosystem. The microsystem is the layer closest to the child and is made up of structures such as family, school, neighbourhood, or childcare environments, with which the child has direct contact. In other words, the microsystem represents the relationships and interactions a child has with their immediate surroundings (Bronfenbrenner, 1989). At this level, relationships have two likely impacts: both away from the child and towards the child. For example, a child’s parents may affect his beliefs and behaviour; however, the child also affects the behaviour and beliefs of the parent. Bronfenbrenner (1990) calls these bi-directional influences and suggests these have the greatest impact on a child.

The mesosystem is the layer that provides the connection between the structures of the child or young person’s microsystem; for example, the connection between a child’s teacher and their parents/guardian or between church and neighbourhood (Berk, 2000). That said, the mesosystem represents a filter which, in the context of the issues being discussed, represent teachers, school principals and other staff at school.

The exosystem is the layer that defines the larger social system within which the child or young person does not function directly, although they may be affected and/or influenced by them. The structures in this layer impact the child’s development by interacting with
other structures in their microsystem and in this article represent education, social security and legal bodies that interpret and apply relevant laws and policies on behalf of children. Bronfenbrenner suggests that although the child may not be directly involved at this level, they do feel the positive or negative outcomes of these interactions.

The *macrosystem* is the outermost layer in the child’s environment comprising cultural values, customs and laws and the patterns of behaviour associated with this layer are typically transferred from one generation to the next through various institutions such as the family, school and workplace (Bronfenbrenner, 1990). What is defined by the macrosystem can have a dominant impact on the interactions of all other layers. In this article, this represents two discrete arenas of influence. First, the Jamaican government is party to several laws and policies aimed at protecting children of different race, creed and colour from any form of sexual abuse and violence. Second, laws and policies currently in place to safeguard women and girls against sexual abuse are being flouted by rapists and child molesters who pay scant regard for the rights, dignity and worth of women and girls. In Bronfenbrenner’s (1990) view, these issues can adversely impact interactions within the microsystem and the ability of the microsystem itself to work effectively on behalf of a child or young person.

The *chronosystem* is the layer that encompasses the dimension of time, whether short or lengthy, as it relates to a child’s environment (Bronfenbrenner, 1989). Elements within this dimension can be either internal or external, and as children and young people get older, they may show apathy towards environmental changes and may be more able to determine how change will influence them. Children who are molested and sexually abused and no longer have confidence in the government and the relevant laws to fully protect them, are the representation of the chronosystem in this work.

**The Situation/Context**

Local media reports in Jamaica tell a sad and worrying tale of a society in moral decline. Within the past 24 months, local media reports have spotlighted the issue of rape and other forms of sexual abuse and highlighted them as serious cause for concern (*The Gleaner, 2006a*, *2006b*, 2011; Office of the Children’s Registry, 2010; Jamaica Constabulary Force [JCF], 2011; Blaine, 2012). Almost on a weekly basis, the local press reports on another child who has been molested or raped. In the 18 months, between January and June 2014, a few newspaper headlines emphasize this worsening national dilemma:

- Sunday 3 June 2012: Mother From Hell—Woman Charged For Daughter’s Rape (57 year old man; 15 year girl; mom held down her daughter for the man) (*The Gleaner, 2012a*).
- Sunday 26 September 2012: 11 old molested by 63-year-old grand-uncle (*The Gleaner, 2012b*).
- Saturday 6 October 2012: 12-year-old allegedly raped in Mandeville (taxi driver raped his 12-year-old God-daughter whilst taking her home from school) (*The Gleaner, 2012c*).
Saturday 12 October 2012: Teens charged for rape (two 17-year-old boys to answer to rape charges; age of victim not disclosed) (*The Gleaner*, 2012d).

Monday 9 September 2013: Rape/chopping of 15-year-old St Mary girl condemned by child protection watchdog (*The Gleaner*, 2013).

Tuesday 4 February 2014: Children’s Advocate outraged by rape, murder of 8-year-old girl (*Jamaica Observer*, 2014).

These headlines represent only snippets of a much larger problem affecting Jamaica at this time. According to data from the Office of the Children’s Registry (released September 2012), a total of 1402 cases of alleged sexual abuse were reported to the Office of the Children’s Registry in the six months between January and June 2012 (Table 1). During this period, the majority of the sexual abuse reports were made in the month of May. Carnal abuse was a particular challenge and it is defined in Jamaican law as ‘having carnal knowledge of a girl under 15 years of age.’ The number of reports of alleged carnal abuse was followed by reports of alleged fondling and rape. Although these figures represent only a six months period, and therefore are to be treated as incomplete, they nonetheless reveal, rather insightfully, a startling pattern of alleged sexual violence.

Over a much longer period, between 2007 and 2011, a similar pattern can be seen. A total of 6789 cases of alleged sexual violence were reported to the Office of the Children’s Registry during this period (Table 2). Except for 2010, each year recorded an increase in the number of reports made.

Moving behind the headline figures to unpack the data, the following types of alleged sexual abuse can be seen. Unspecified sexual abuse (774), fondling (642), incest (551), and rape (547) were highest on the list with only little differences between them (Table 3). Regarding incest in particular, the numbers of cases reported confirm widely held speculations and notions in society and supported by the JCF that ‘in most instances … suspects were known to their victims, whether through acquaintance, relationship or family’ (JCF, 2011).

Closer examination of these alleged rape figures reveal that the period between 2009 and 2011 was particularly problematic with more reports being made in those years. Additionally, children and young people between ages 12 to 16 reported more cases of rape suggesting a greater degree of susceptibility among this age cohort. There were 24 reported

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**Table 1:** Total sexual abuse cases, and breakdown of sex acts reported to the Office of the Children’s Registry January–June 2012

|                  | 12 January | 12 February | 12 March | 12 April | 12 May | 12 June | Total |
|------------------|------------|-------------|----------|----------|--------|---------|-------|
| Sex abuse total  | 205        | 184         | 178      | 245      | 347    | 243     | 1402  |
| Buggery          | 5          | 6           | 7        | 10       | 12     | 13      | 53    |
| Carnal abuse     | 141        | 100         | 96       | 129      | 206    | 124     | 796   |
| Exhibitionism    | 0          | 2           | 4        | 3        | 2      | 2       | 13    |
| Fondling         | 31         | 25          | 22       | 33       | 42     | 39      | 192   |
| Incest           | 13         | 6           | 9        | 10       | 17     | 7       | 62    |
| Oral sex         | 6          | 10          | 4        | 10       | 16     | 5       | 51    |
| Rape             | 23         | 25          | 23       | 27       | 29     | 26      | 153   |

Source: Office of the Children’s Registry (2012a).
cases of alleged rape for the group ‘Age Unknown’; one case against a child aged one; three cases against children aged four; and three cases against children aged six (Table 4).

Jamaica has 14 parishes and based on a parish level analysis, a distinct trend is noticed. For example, Kingston and St Andrew, St Catherine and St Ann registered the highest numbers of reports of rape and were repeatedly higher than other parishes (Table 5). Child sexual abuse is widespread in Jamaica and the Office of Children’s Registry has the mandate to obtain, document and store any information relating to the ill-treatment and abuse of children. The OCA is responsible for reviewing existing laws, policies, practices and services that affect children in addition to providing legal services, where necessary, in order to protect the child’s best interests. Typically, when child victims report alleged incidents of carnal abuse, the OCA is mandated under Section 12 of the Child Care and Protection Act (CCPA, 2004) to receive and investigate complaints on behalf of the child in a timely manner and take to the necessary action, where appropriate. Additionally, the OCA provides legal representation where required for child victims and refer them for counselling support to the Child Guidance Clinic (CGC) in the education ministry or the Victim Support Unit (VSU), operated by the justice ministry. However, by its own admission, the OCA has an insufficient amount of Investigative Officers to deal with each complaint and as result, they do so on the basis of priority after determining issues of safety and wellbeing.

**How can this Problem be Addressed? Whither a Model?**

Does Jamaica need additional laws in order to adequately stem the scourge of sexual abuse and violence? Being blunt, that is hardly a solution. Existing legislations such as the Child Care and Protection Act (CCPA) (s5), the Sexual Offences Act (s3) and the Offences Against the Person Act (s40) are all clear. I propose an interrelated multifaceted, somewhat related, intervention model. First, there needs to be full enforcement of existing

| Types of abuse | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|----------------|------|------|------|------|------|-------|
| Oral sex       | 1    | 17   | 16   | 23   | 57   | 114   |
| Incest         | 15   | 115  | 205  | 123  | 93   | 551   |
| Exhibitionism  | 0    | 2    | 4    | 6    | 9    | 21    |
| Buggery        | 0    | 4    | 3    | 6    | 18   | 31    |
| Fondling       | 13   | 65   | 165  | 138  | 277  | 642   |
| Rape           | 5    | 73   | 154  | 95   | 220  | 547   |
| Unspecified    | 16   | 137  | 110  | 190  | 321  | 774   |

Source: Office of the Children’s Registry (2012b).
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Table 4: Total number of reports received by the Office of the Children’s Registry for rape, year and age, 2007–2011

| Age of child (years) | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|----------------------|------|------|------|------|------|-------|
| 0                    | 0    | 0    | 0    | 0    | 0    | 0     |
| 1                    | 0    | 0    | 0    | 1    | 1    | 2     |
| 2                    | 0    | 0    | 0    | 0    | 0    | 0     |
| 3                    | 0    | 0    | 0    | 0    | 0    | 0     |
| 4                    | 0    | 1    | 1    | 1    | 3    | 6     |
| 5                    | 0    | 0    | 0    | 0    | 0    | 0     |
| 6                    | 0    | 2    | 0    | 1    | 3    | 6     |
| 7                    | 1    | 3    | 1    | 2    | 6    | 13    |
| 8                    | 1    | 2    | 1    | 2    | 7    | 12    |
| 9                    | 0    | 1    | 3    | 2    | 6    | 12    |
| 10                   | 0    | 3    | 4    | 3    | 2    | 12    |
| 11                   | 0    | 5    | 9    | 5    | 8    | 27    |
| 12                   | 0    | 9    | 10   | 11   | 23   | 55    |
| 13                   | 0    | 11   | 28   | 18   | 42   | 99    |
| 14                   | 2    | 11   | 34   | 22   | 44   | 113   |
| 15                   | 1    | 12   | 25   | 15   | 42   | 95    |
| 16                   | 1    | 5    | 18   | 10   | 35   | 69    |
| 17                   | 0    | 3    | 5    | 10   | 22   | 39    |
| Unknown              | 0    | 8    | 13   | 1    | 2    | 24    |
| Total                | 5    | 73   | 154  | 95   | 220  | 547   |

Source: Office of the Children’s Registry (2012b).

laws so that perpetrators may indeed know that in Jamaica, the law is indeed ‘a shackle’. In clear terms, the CCPA s6(2) sets out the duties, especially for parents, in relation to reporting sexual abuse against a child. The Sexual Offences Act is also clear about the punishments (s6) associated with sexual crimes, which at the moment is a sentence of life imprisonment for a perpetrator.

Table 5: Total number of reports received by the Office of the Children’s Registry for rape by parish

| Parish                | 2007 | 2008 | 2009 | 2010 | 2011 | Total |
|-----------------------|------|------|------|------|------|-------|
| Kingston & St Andrew  | 2    | 20   | 47   | 30   | 91   | 190   |
| St Catherine          | 0    | 9    | 20   | 10   | 31   | 70    |
| Clarendon             | 0    | 2    | 1    | 0    | 0    | 3     |
| Manchester            | 0    | 7    | 10   | 7    | 7    | 31    |
| St Elizabeth          | 1    | 3    | 4    | 6    | 3    | 17    |
| Westmoreland          | 0    | 1    | 7    | 4    | 7    | 19    |
| Hanover               | 0    | 3    | 4    | 1    | 5    | 13    |
| St James              | 0    | 5    | 7    | 6    | 18   | 36    |
| Trelawney             | 0    | 2    | 4    | 1    | 9    | 16    |
| St Ann                | 1    | 9    | 25   | 12   | 21   | 68    |
| St Mary               | 0    | 6    | 10   | 9    | 5    | 30    |
| Portland              | 1    | 1    | 5    | 3    | 5    | 15    |
| St Thomas             | 0    | 2    | 1    | 1    | 3    | 7     |
| Parish unknown        | 0    | 0    | 0    | 1    | 1    | 2     |
| Total                 | 5    | 73   | 154  | 95   | 220  | 547   |

Source: Office of the Children’s Registry (2012c).
Second, there is need for urgent re-education of members of the society led first and foremost by the government and associated state agencies. Men and boys alike need to learn, and be taught if necessary, how to respect their mothers and all the females in their families; but they need much more. They also need to respect all females outside their immediate families—not objectifying them as sexual preys but giving them respect. It is important that women and girls feel safe in their homes, on the streets, at school, at their places of worship and work and wherever else they may, from time to time, be. Communities need training and mobilizing in terms of being able to identify and report possible sexual abuse. These interventions are consistent with Bronfenbrenner’s (1989) ecological systems theory and require input and commitment at different levels from various actors and agencies including: media, dancehall and reggae artiste and music producers, civic, religious, community, educational, medical, non-governmental, governmental and international organizations.

Third, girls and women also have a significant role in their own protection and preservation. That is, they have to be vigilant for self and for others. They have to report cases of abuse, even and especially if it occurs within their families. In reality, their maxim has to become and be, ‘the protection of one female is the protection of all females’. But getting women and girls to this stage requires their re-education (empowering), providing them with appropriate tools, skills, confidence and support needed in order to be proactive in stomping out sexual violence of any kind (UNICEF, 2006).

Fourth, for its part, the government, through, for example, the CDA and CISOCA, has to be vigorous in terms of its data collection and monitoring of sexual offences (Brown, 2012). The government also needs to provide greater social security and support for girls, particularly in homes where one or both parents are absent, a stipulation by both the CCPA and the CRC. Furthermore, workshops for parents and step-parents, especially in communities that appear to show a greater risk of potential sexual violence, can also be used to raise awareness among and within families (Brown, 2012). Additionally, these workshops should give attention to issues such as: mental illness, maternal alcoholism, extended maternal absences, serious marital conflicts, parental substance abuse, social isolation, punitive parenting and parental impairments (Office on Child Abuse and Neglect, 2009) and how these can or have fuelled a culture of sexual abuse against girls and women.

This broad based socio-legal interventionist model is inexpensive and practical. But it requires firm leadership: from firm political leadership at the level of the Prime Minister and the government to the ‘man on the street’ who must exercise self-leadership. For, tackling this scourge of sexual violence in Jamaica is everyone’s business and must therefore adopt a common enemy approach that makes known that sexual violence is wrong and will not be tolerated.

**Implications**

An attack on children can never be justified, and any act of sexual violence against anyone, let alone a child is wholly unacceptable. Sexual predators contravene the right of another person to respect and dignity as set out in the UDHR. In Jamaica, this manifests itself in the daily, weekly and monthly reports (and the many unreported cases) of children being raped, molested and violated by family members, teachers, pastors and other persons known to them. *The Gleaner* cites Assistant Commissioner of Police Derrick Cochrane,
as saying ‘[I]n many cases, these are persons who are family members and family friends who have taken advantage of the trust of the victims in committing these sexual offences’ (*The Gleaner*, 2012c). In a local radio interview on Friday 12 October 2012, Registrar at the Office of the Children’s Registry, Greig Smith, confirmed that of 111 reports made against persons who are alleged to have committed an act of sexual abuse against children, more than 50% were against teachers.

Only one in five child molesters is convicted in Jamaica. According to Children’s Advocate, Diahann Gordon Harrison, a former Deputy Director of Public Prosecutions, this low conviction rate of sex offenders is due in part to the manner in which trials occur and also due to lengthy delays in the court system (Brown, 2012). The Children’s Advocate is also cited as saying, some jurors take a casual approach to acts of sexual abuse believing that even in the face of strong evidence, in many cases, it is the victim who is at fault and not the perpetrators. Invariably, this influences the verdict that is returned and ultimately the conviction rate for perpetrators. And not only does this send a message to perpetrators that the police, legislature, and judiciary are incapable of safeguarding the rights and dignity of children, this mark a stain on Jamaican society and its values as a whole.

That 1402 numbers of children have reported an alleged act of sexual abuse during the first six months of 2012 is wholly unacceptable. That 547 children have reported an alleged case of rape against them, in the first place, is also unacceptable. That one child, one person, anyone is sexually molested is unacceptable. The CAT decries torture, dehumanizing and degrading treatment of any kind. The CRC denounces sexual abuse and emphasizes the ‘best interests’ of the child. The CEDAW promotes equality and respect for women and children, and the UDHR promotes dignity and respect for all citizens regardless of gender and age. It is of grave and increasing concern that in twenty-first century democratic Jamaica, the most vulnerable members are not treated with the respect they deserve by some sections of society. Respect knows no age, no colour, no class, no creed, no gender, no religion. Respect is respect. Not only is the rape and sexual abuse disrespectful, it is reprehensible and cowardly.

In 2004, the CCPA facilitated the creation of the CDA. To date, however, the mandate of the CDA remains unclear. In 2006, the CCPA created the position of the Child Advocate. However, the main responsibilities of the Child Advocate, have so far appeared to be primarily administrative. The Child Advocate’s role could therefore be reconstituted to include a visible and active role that engages public opinion through the delivery of sensitization seminars and campaigns targeting all Jamaican citizens and aimed at securing the rights and dignity for everyone, equally, but especially children and young people. As previously noted, the OCA is without adequate human resource capacity required to more efficiently assist in the timely completion of investigations into alleged sexual violence against children. Given the current spate of sexual violence in Jamaica, government ministries such as: youth, education, health and justice are encouraged to commit extra resources (financial, technical, human and other) to enhance the functioning of the OCA, thereby making it more functional in doing what it was set up to do (Brown, 2012). In goes without saying, a poorly resourced office, by deduction, will be a poorly performing office, despite the best will and intentions (Brown, 2012).

In 2009, through the Sexual Offences Act, the government of Jamaica proposed a Sexual Offenders Registry, although to date this has not been realized. Concerns by human rights
lobby groups are not unfounded as regards the storage of finger print data, for example. Nevertheless, bickering between the government and human rights lobbyists must give way to political leadership that situates the rights, dignity and welfare of children at the heart of the debate, and not that of perpetrators. In other words, the commissioning of a sex offences register, populated with the names of perpetrators, regardless of type or number of sexual offence, sends a strong message to perpetrators and would be perpetrators that the government means business and will not sit back and allow the rights and dignity of children to be further eroded. It has been proposed that justice delayed is justice denied. Significantly, there is room for improvements in the terms of the pace at which sexual offences are processed by local courts. Strengthening the court system to deal swiftly with these cases could offer victims of sexual violence some hope that in Jamaica their rights, wellbeing and dignity matters to the government in practise as well as in law. This may then promote confidence in the legal, administrative and judicial systems at work in Jamaica, such that victims of sexual violence would be confident that to remain in Jamaica, would mean justice for both themselves and their perpetrators. The ripple effects are clear: confidence among the populace that in Jamaica, the law serves and protects (Miller, Kelly, & Spawls, 2011).

Conclusions

Jamaica has a range of existing laws influencing the protection and care of children, and there is nothing wrong with them. Jamaica is also a signatory to several international treaties and conventions directed towards securing and safeguarding human rights. However, where laws exist but are not applied, there are two possible consequences. First, lawlessness will prevail and the respect for law and order will only be confined to a few. Second, fear will grip the citizenry who must devise ways to co-exist with vagrants—in this case rapists and other sexual predators. Neither outcome is acceptable, not for adults and certainly not for children. The UDHR promotes the right to dignity and respect for all. The CRC condemns sexual and all forms of violence against children. As a signatory to both the UDHR and the CRC, Jamaica has a fundamental duty of care to protect the rights of all citizens—notwithstanding their age and/or gender.

Current approaches to tackling sexual abuse appear at best to be reactive and administrative. On the one hand, sexual predators appear one step ahead of law enforcement officials and mechanisms. For example, the proposed Sexual Offences Registry will do something only after an offence has been committed, and the Office of the Children’s Registry acts only after offences have been reported. On the other hand, the OCA is underresourced and heavily laden with administrative duties and tasks. What appears to be lacking, therefore, is an approach that is robust, communitarian and proactive, buoyed by appropriate levels of financial and non-financial resources that aim to deliver a preemptive blow to the scourge of sexual abuse hovering over Jamaica. But to deliver this pre-emptive blow requires broad base support from top Children’s Rights officials and relevant government ministries who must be forceful and constant in their public engagement and re-education activities. In other words, the law and its consequences for sexual abuse must be well publicized until the very thought of it becomes anathema to anyone engaging or thinking to engage in such acts.
Jamaica is faced with a situation that is both institutional and organizational. Institutionally, there is a lack of consensus around societal values and the disintegration of the socialization agents vis-à-vis: the family and the community. Organizationally, there are weak and severely understaffed state entities such as the CDA, Office of the Children’s Registry, Children’s Advocate and the Probation Services which lack clear mandates and which, to some extent, duplicate and overlap aspects of each other’s role. A new broad based partnership between civil society and the state is urgently needed. Maybe then, and with re-education for men and boys and the promotion of values such as respect and equality, will change come.

Notes

1. In 1998, speaking immediately following the historic qualification match against Mexico in which the Jamaican football team—the Reggae Boyz—qualified for the World Cup in France, then Prime Minister P.J. Patterson declared the next day a public National Holiday. Faced with immense criticisms, Mr Patterson, a lawyer, responded by saying, ‘The law is not a shackle but a tool of social engineering.’ Since then, mostly the first half of Mr Patterson statements have been popularized by/in the press.

2. The seven current roles of the Child Advocate are: (a) reviewing laws, policies, practices and government services affecting children; (b) providing legal services and related assistance to children; (c) responding to requests made through the island’s courts for representation on behalf of children affected by or involved in legal proceedings; (d) investigating and hearing complaints against government authorities and providing reasoned decisions and recommendations for action; (e) implementing regular child participation, stakeholder consultation and public education programme; (f) providing advice on the interpretation of the Child Care and Protection Act; (g) publishing reports and issuing best practice guidelines regarding any matter concerning the rights or best interests of children.

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