

# JAMAICA



The island of Jamaica....Out of Many, One People

By: TERRICA R. JENNINGS  
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# JAMAICA



Jamaica is divided in 14 parishes: Clarendon, Hanover, Kingston, Manchester, Portland, Saint Andrew, Saint Ann, Saint Catherine, Saint Elizabeth, Saint James, Saint Mary, Saint Thomas, Trelawny, Westmoreland.

# JAMAICA

The island - discovered by Christopher COLUMBUS in 1494 - was settled by the Spanish early in the 16th century. The native Arawak Indians, who had inhabited Jamaica for centuries, were gradually exterminated and replaced by African slaves.

England seized the island in 1655 and established a plantation economy based on sugar, cocoa, and coffee. The abolition of slavery in 1834 freed a quarter million slaves, many of whom became small farmers.

Jamaica gradually obtained increasing independence from Britain, and in 1958 it joined other British Caribbean colonies in forming the Federation of the West Indies.

Jamaica gained full independence when it withdrew from the Federation in 1962. Deteriorating economic conditions during the 1970s led to recurrent violence as rival gangs affiliated with the major political parties evolved into powerful organized crime networks involved in international drug smuggling and money laundering.

Violent crime, drug trafficking, and poverty pose significant challenges to the government today. Nonetheless, many rural and resort areas remain relatively safe and contribute substantially to the economy.



# THE ISLAND OF JAMAICA

## Jamaica: Land of wood and water

It is the third largest of the Caribbean islands measuring 146 miles long and up to 51 miles wide, and its highest peak, the Blue Mountain Peak, is 7,402 feet above sea level. The official language of Jamaica is English. However, Patois, a blend of English and African, is a widely spoken dialect amongst the local people. In fact, a conversation may be almost incomprehensible to the visitor at first, but in a little while you catch the rhythm and begin to pick up expressions.

## Landscape

Jamaica has one of the richest and most varied landscapes in the Caribbean, and with waterfalls, springs, rivers, and streams all flowing from the forest-clad mountains to the fertile plains, a trip to Jamaica may include river rafting, waterfall climbing, horseback riding, beachcombing, or hammock swaying.

## Sun, Sand and Sea

Jamaica, known for its abundance of beautiful mountain scenery, long stretches of white sand beaches, and pulsating rhythms of the Reggae beat, is one of the most popular tourist destinations in the Caribbean. Set in a turquoise sea, with silver beaches lapped by gentle waves, its vast plains rising to lofty mountains, has attracted visitors from other lands for centuries. It is a tropical playground where the fun seems to never end!

## Culture

Its colorful culture makes for a lively atmosphere where the majority of the population is of African descent, but you will notice European, Arabic, Chinese, and East Indian ancestry as well.



# JAMAICA-THE PEOPLE

Jamaicans are a multi-racial group of people. They are mixed from several different cultures. Most of the people are from Africa and are descendants of slaves. They were brought to Jamaica from Africa by the Europeans.

Some of these slaves ran away and became known as 'Maroons'. The Maroons have traditions that they still adhere to. There are various groups; one of them being the ***Accompong Maroons***.

Jamaicans are also descendants from a variety of nations such as Europe and Asia. They are truly a mixed cultural nation with a strong national heritage.

The people from these various nations came to Jamaica for different reasons. Some came by force, some to conquer, some to colonize, while some came for other reasons and stayed. This resulted in the most unusual racial and cultural mixture - The Jamaican people.

The African and Europeans (English, Irish, Scottish, Germans and Spanish) are the main types of dominance in the Jamaican people - the African being the most dominant. The Indians, Chinese, Syrians, Lebanese, Scottish and Jewish are also there.



# JAMAICA-ART & MUSIC

Jamaicans have a musical heritage that stems from their African and European roots. Reggae music is Jamaica's most recognized sound. These thumping sounds are rich and infectious and encompass expression of personal freedom, independence, religion, and gossip. Jamaica's most famous is Bob Marley whose influence helped bring Reggae music into the Jamaican main stream.

Jamaica's lush colorful landscapes act as muse for its people. These vibrant colors are reflected in the visual arts. Jamaicans have produced some of the best paintings, sculptures, and pottery in the Caribbean. Jamaican artists draw influences from their diverse culture. These colorful works of art include precious treasures produced by unconventional artists ranging from the academic to the self-taught artisan.



# LANGUAGE

**Main languages spoken:  
English & Patois**



## Talk The Talk...

Jamaicans are famous for having a way with words and creating descriptive phrases as needed. The official language of Jamaica is English. However, most likely you will hear traces of what sounds like a foreign tongue. The language on the streets is called Patois. Patois is a combination of English, Spanish, Portuguese and African phrases which sounds more rhythmic than traditional English.

## What is patois?

Jamaican Patois, known locally as Patois (Patwa) or Jamaican, and called Jamaican Creole by linguists, is an English–African Creole language spoken primarily in Jamaica and the Jamaican Diaspora. It is not to be confused with Jamaican English nor with the Rastafarian use of English. The language developed in the 17th century, when slaves from West and Central Africa were exposed to, learned and nativized the vernacular and dialectal forms of English spoken by their masters: British English and Hiberno English.



# RELIGION

Religious Type	Specific Denomination	Percent (%)
Protestant	--	61.3%
--	Church of God	21.2%
--	Seventh-Day Adventist	9.0%
--	Baptist	8.8%
--	Pentecostal	7.6%
--	Anglican	5.5%
--	Methodist	2.7%
--	United Church	2.7%
--	Jehovah's Witness	1.6%
--	Brethren	1.1%
--	Moravian	1.1%
Roman Catholic--		4.0%
Other (including spiritual cults)	N/A	34.7%

The population of Jamaica is strongly **Christian**, but a large number of islanders adhere to other faiths. Although Rastafarianism contains elements of Christianity, it is not considered a standard Christian denomination.

There is a great deal of variety in Jamaica's religion. While Protestantism from Europe and the U.S. has the strongest hold on the island, the faiths of slaves and indentured servants certainly made their mark here.

# POLITICS

The Politics of Jamaica takes place in a framework of a representative parliamentary democratic monarchy. The 1962 Constitution established a parliamentary system based on the United Kingdom model. As chief of state, Queen Elizabeth II appoints a governor general, on the advice of the prime minister, as her representative in Jamaica. The governor general's role is largely ceremonial. Executive power is vested in the cabinet, led by the Prime Minister. Jamaica is an independent country and Commonwealth Realm. It is a parliamentary democracy whose political and legal traditions closely follow those of the United Kingdom.

Prime Minister



**Jamaican Prime Minister, Bruce Golding**

# POLITICS

Parliament is composed of an appointed Senate and an elected House of Representatives. Thirteen Senators are nominated on the advice of the prime minister and eight on the advice of the leader of the opposition; as a two-thirds majority of both chambers is needed for major constitutional amendments, this provides a consensus requirement for significant change. General elections must be held within five years of the forming of a new government.

The prime minister may ask the governor general to call elections sooner, however. The Senate may submit bills, and it also reviews legislation submitted by the House. It may not delay budget bills for more than one month or other bills for more than seven months. The prime minister and the Cabinet are selected from the Parliament. No fewer than two nor more than four members of the Cabinet must be selected from the Senate.





# ECONOMICS

Jamaica's economy is highly developed compared to the economies of most Caribbean islands. It has a vital financial sector with many international banks, a large skilled workforce, and a relatively broad-based economy. The economy, however, is dependent on imported consumer goods and raw materials, which have exceeded earnings from tourism and bauxite (which account for three-quarters of Jamaica's foreign exchange earnings), plus sugar and bananas, all of which are susceptible to erratic worldwide demand. The island has had to confront an acute balance-of-payments crisis and is beleaguered by a massive foreign debt (US\$4.7 billion). Jamaica also suffers from high inflation (7.3% in 2000) and persistent unemployment.

In 2002, the government moved to stimulate the economy by initiating the nation's largest ever infrastructural project intended to provide the catalyst for sustained national development.

The USA is Jamaica's major trading partner, accounting for more than one-third of the island's exports and more than one-half of its imports.

Despite its relatively developed economy, **Jamaica is one of the poorest islands in the Caribbean.** Although the nation's GDP was at US\$6.82 billion in 2000, its per capita GDP of US\$2653 reflects the nation's continuing battle with poverty.

***One-third of Jamaican families officially live below the poverty line.*** About 16% of the working population is officially unemployed, while another one-third freelances in what is called the 'informal sector' - prostitution, higgling (bargaining), and hustling. Jamaica has no general unemployment benefits

# MAJOR INDUSTRIES

## Tourism

Tourism accounts for 45% of Jamaica's foreign income and generated US\$1.3 billion in revenue in 2000, when 1.8 million visitors arrived (half of these were cruise passengers). It also directly employs over 75,000 Jamaicans, plus 225,000 indirectly (a quarter of all jobs).

In 1999, the JTB developed a new master plan, which focused on developing eco-tourism and 'cultural tourism.



## Bauxite

In the 1960s, Jamaica (which has 2.5 billion tons, or 7% of world reserves) was the world's number one source of bauxite. Today, Jamaica is the world's third largest producer of bauxite and processed alumina (only Australia and Brazil produce more).

The industry accounts for one-quarter of the government's income.



# JAMAICA-MAJOR INDUSTRIES

## Agriculture

Agriculture is an important source of employment (accounting for 21% of the labor force), despite its relatively low contribution to the GDP (about 7.5%). The fertile plains are the domain of large holdings producing sugar and other crops for export. The rocky hillsides and mountains are the domain of the peasant small hold farmer.

The vast majority of Jamaica's 160,000 farmers cultivate less than 5 acres (the average holding is 1 1/2 acres). Owning one's 'own little piece of rockstone' is still the ideal in a nation where 55 % of the land -almost exclusively the most fertile flat-lands - is owned by 5% of the population.

In the late 1800s, Jamaica was the world's largest banana producer. Though the industry gradually declined during the 20th century to a low of 28,000 tons annually in the 1980s, it has recently seen a recovery:

Jamaica exported 42,500 tons of bananas in 2000.

Almost one-third of Jamaica's agricultural land (203 sq miles) is planted with sugar. The sugar economy remains the largest employer in Jamaica. Formerly the engine of the Jamaican economy, the industry has declined steadily since 1965, when production peaked at 501,000 tons. Production in 2000 amounted to 216,000 tons.



Increasing attention is being given to allspice (pimento), citrus, coffee, ginger, cocoa, rum, ornamental flowers, and cattle. Citrus projects, in particular, have expanded rapidly in the past 20 years. Also, then there's ganja! In the 1970s and '80s, ganja was 'king' in Jamaica and a major contributor to the country's economic development. Thanks to a committed anti-narcotics drive by the Patterson government, many farmers who once relied on the crop now struggle to make a living. Still, the trade continues.

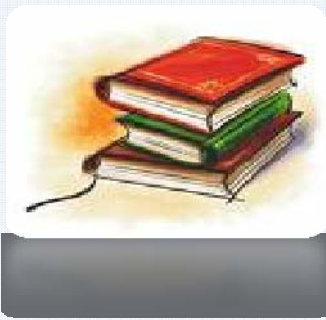
## Manufacturing & Service Industries

Manufacturing contributed 35.2% of the GDP in 2001 and employs about 19% of the active workforce. Investment incentives have resulted in the growth of sizable processed-goods and textile industries.

Kingston is one of the Caribbean's leading financial centers. Jamaica has dozens of banks and financial institutions, plus an important stock market.

The broader service industry employed 41 % of the working population and comprised 57.4% by value of Jamaica's GDP in 2000.





# EDUCATION



Early childhood education is inclusive of Basic, Infant and privately operated pre-schools. The age cohort is usually 1 – 6 years. The Government of Jamaica began its support for the development of early childhood education, care and development in 1942.

There are 2,595 early childhood institutions.

Of these, 183 are not recognized by the government, 401 are day care centers, approximately 100 are infant schools and 5 are special education schools which offer early childhood care. The enrollment rate between 4 and 6 years is 94% - one of the highest rates in the region (2008).

- When privately owned or run, these schools are called Preparatory Schools.
- Primary education in Jamaica addresses the basic educational needs of students and prepares them for Secondary Education. It includes children between the ages of 5-12 years.
- Under the Caribbean Examination Council's-Revised Primary Curriculum, student assessment has changed significantly from what was generally an automatic promotion to secondary school through the former Common Entrance Examinations at the end of Grade 6. Since 1999, the National Assessment Program (NAP) and Grade Six Achievements tests (GSAT) have been utilizing a variety of teaching strategies to ensure that learning experiences are more broad based and student centered. NAP adopts an integrated approach from grades 1-3 and a discrete subject area for grades 4-6.
  - **Grade 1: Readiness Inventory**
  - **Grade 3: Assessment tests in Math and Language Arts**
  - **Grade 4: Literacy Test**
  - **Grade 6: Achievement Test (GSAT): in Math, Language Arts, Social Studies, Science and Writing.**
- The students make a prioritized list of 5 schools they wish to attend, and based on the results from the GSAT, they are placed at a school from their list. Some schools have a higher cut off score, generally schools with a history of high academic performance

# EDUCATION

## Secondary Education

- **Lower School - Forms 1-3 (Ages 10-13 or 14)**
  - Students are exposed to a wide range of subjects, including Spanish and French as 2nd languages. Generally, Integrated Science is generally taught until the 3rd form, where students begin taking Physics, Biology and Chemistry as separate subjects. Some schools group students based on their academic achievement the year prior. This can greatly impact what subjects some students might be able to take later on in school, and what teachers they might be assigned to.
- **Upper School - Forms 4 & 5**
  - In 4th form, students choose anywhere from 6-10 subjects (8 is the standard) that they will sit in the Caribbean Examination Council's O-Level school leaving examinations. Students are free to create their own curricula which must include but cannot be limited to: Mathematics and English Language all others are optional though some schools tend to make at least 1 other compulsory. Most students take at least one foreign language. Other subjects include: Physics, Chemistry, Spanish, French, Accounting, Principles of Business, Information Technology, Religious Education, Technical Drawing, Art, Theatre Arts and about 25 others. Generally students are informally classified, or classify themselves as Arts, Sciences, Industrial Arts and Business students, especially if they plan on going to 6th form.

## Secondary Education

- Grading: Some exams can be taken at either the Basic or General Proficiency levels, the latter being more common. Exams are graded from Grades 1 to 4. 1 is a pass with distinction, 2 a pass with credit. 3 is a satisfactory level pass and 4 is either a failure, or a 'basic-level' pass.
- Sixth Form (Divided into upper and lower sixth)
  - Sixth form is an optional, two years long, advanced post secondary program, at the end of which students write the CAPE (Caribbean Advanced Proficiency Exams). These are the equivalent of the GCE A-Level examinations which were the standard up until 2003. Some students still choose to sit A-levels if they wish, but in doing so they must still meet CAPE's basic subject requirements/groupings. CAPE and A-level exams are significantly harder than exams sat at the end of high school, and are often thought to be harder than most exams students will ever sit in university. Entry into Sixth Form is extremely competitive, especially in rural and suburban Jamaica, where there are less high schools with sixth form, serving larger areas.



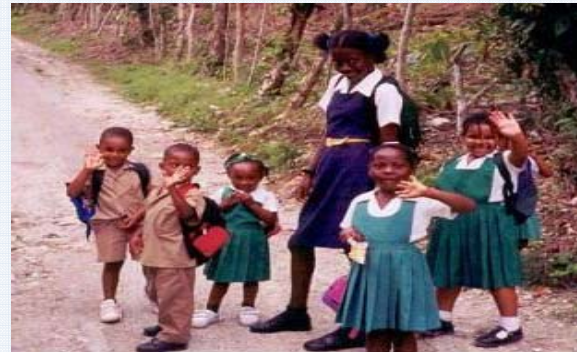
# EDUCATION

## Tertiary Education

- Generally, A-Level or CAPE examinations are not required to enter the nation's Universities. One may also qualify after having earned a 3-year diploma from an accredited post-secondary college. The word college usually denotes institutions which do not grant at least a bachelor's degree. Universities are typically the only degree granting institutions; however, many colleges have been creating joint programs with universities, and thus are able to offer some students more than a college diploma. A few universities in the United States have extension programs in various parts of Jamaica. Most of the students who enroll in these part-time programs are working professionals who want to continue their education without having to relocate closer to the nation's Universities.

### Tertiary education is offered by the following institutions:

- University of the West Indies at Mona , (a regional institution)
- University of Technology (U-Tech)
- Northern Caribbean University (NCU)
- University College of The Caribbean (UCC)
- Edna Manley College of Visual and Performing Arts (an artistic conservatory)
- College of Agriculture, Science and Education (CASE)
- G. C. Foster College of Physical Education and Sports
- 12 teacher training colleges, 14 community colleges, 1 dental auxiliary school, 1 Vocational Training Development Institute, 29 vocational training centers and 6 Human Employment and Resources Training (HEART) vocational training institutions.





# EDUCATION

The Jamaica Tourist Board and the Ministry of Education, Youth and Culture developed “a program in which schools across Jamaica offer Tourism as a new subject at all levels from early childhood up to secondary, that is for children from age 4 to 15 years”. This program, recently introduced for the 1999/2000 academic year, works in accordance with the set curriculum, which includes: “Mathematics, Social Studies, Resource and Technology which will carry tourism related materials and concepts”.

**The tourism education program** has also led the Ministry of Education to edit some of the textbooks to be used in schools, with other texts being developed. With the preparation of the new textbooks comes the training of tourism teachers, with an understanding of “Who is a Tourist, Why People Travel, the Importance of Tourism, Anti Harassment and Culture”.<sup>1</sup> Jamaica has also formed a summer school program, which is a five day workshop for students to gain first hand experience working in the tourism environment.

Field trips to “local” tourist attractions are also included, along with a “one month placement of the top students in hotels and tourism related organizations. Each of the schools selected to participate in this program was invited to send five students from the third and fourth form years”. The group of students selected is accompanied by a teacher and covers the following material: Tourism is our Business; Attitudinal Development; In the Tourist’s shoes; Tourism and the Environment; and Trends in the Industry.



# EDUCATION

## Ministry of Education, Youth and Culture

Minister of Education: Andrew Holness

### General Details Primary:

- **Literacy** (2008) Total: 88%
- Male: 84.1%
- Female: 91.5%
- Primary: 99% (80%attendance rate)



### Special Nonacademic Events

- Schools compete scholastically in *School's Challenge Quiz* and Debating Competitions.
- In regard to sports, the main Track and Field event is the *Boys and Girls School's Championships*.
- For football there are the *Manning Cup* and *DaCosta Cup* competitions.
- For Cricket there is the *Grace Shield* competition and there are also many Swim Meets held throughout the year

# EDUCATION

## ADULT EDUCATION

- Adult education has become common in many countries. It takes on many forms, ranging from formal class-based learning to self-directed learning and e-learning. A number of career specific courses such as veterinary, medical billing and coding, real estate license, bookkeeping and many more are now available to students through the Internet.

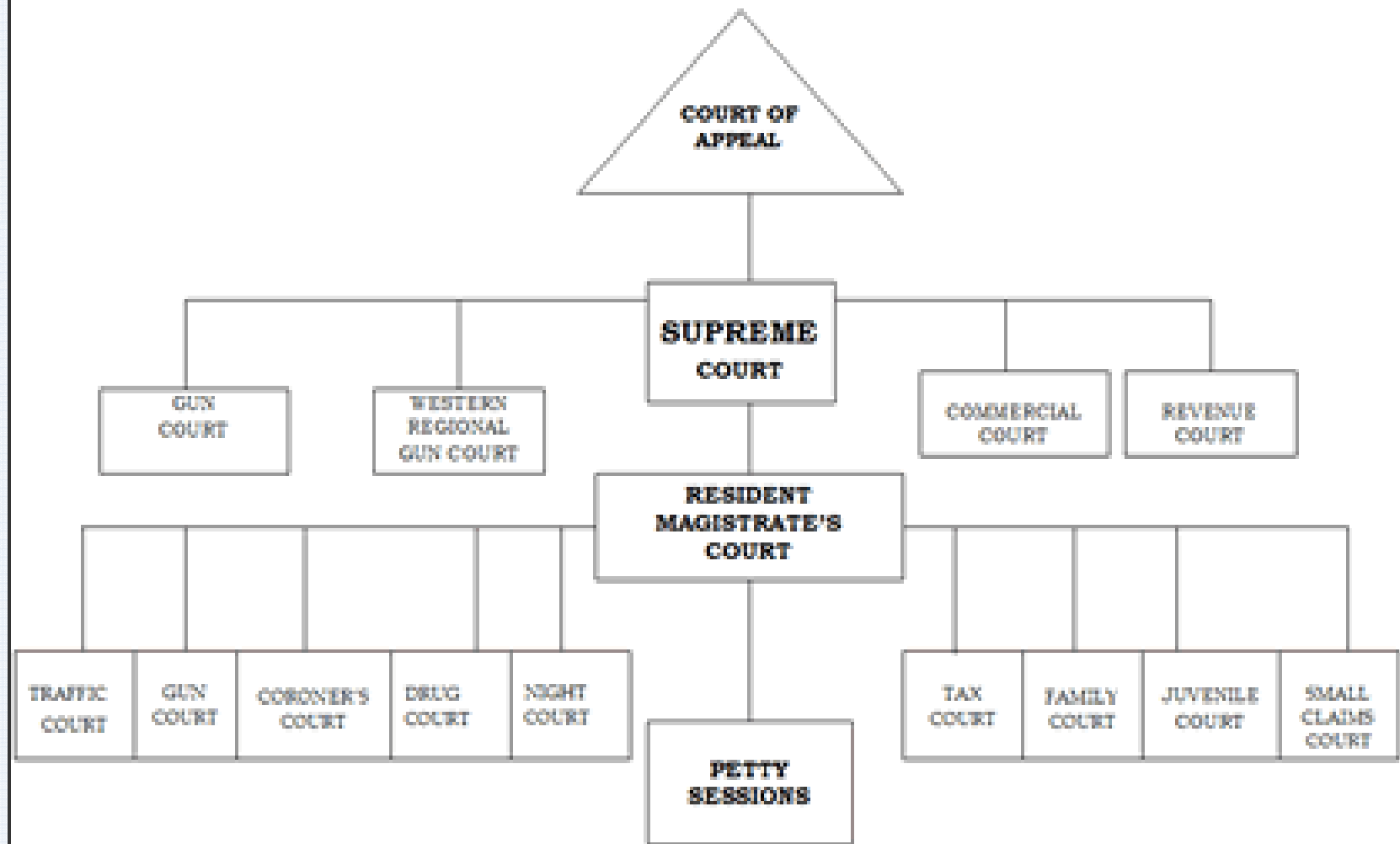


## ALTERNATIVE EDUCATION

- Alternative education, also known as *non-traditional education* or *educational alternative*, is a broad term that may be used to refer to all forms of education outside of traditional education (for all age groups and levels of education). This may include not only forms of education designed for students with special needs (ranging from teenage pregnancy to intellectual disability), but also forms of education designed for a general audience and employing alternative educational philosophies and methods.
- Alternatives of the latter type are often the result of education reform and are rooted in various philosophies that are commonly fundamentally different from those of traditional compulsory education. While some have strong political, scholarly, or philosophical orientations, others are more informal associations of teachers and students dissatisfied with certain aspects of traditional education.
- These alternatives, which include charter schools, alternative schools, independent schools, and home-based learning vary widely, but often emphasize the value of small class size, close relationships between students and teachers, and a sense of community.

# Jamaica Court System

## STRUCTURE OF THE JAMAICAN COURT SYSTEM





# *Jamaica Court System*

## **Court of Appeals**

Appeals against decisions from both the Supreme Court and the Resident Magistrate's Court are heard in the Court of Appeal. It consists of the President of the Court of Appeal and six Judges of Appeal. The Chief Justice is an ex-officio member, but only sits on the invitation of the President in matters in which that the full Court is sitting. with the Leader of Opposition.

A Judge of the Court of Appeal must be an Attorney-at-law of at least ten years standing. Judges of the Court of Appeal are appointed by the Governor General on the recommendation of the Judicial Services Commission. The Chief Justice and the President of the Court of Appeal are appointed by the Governor General on the recommendation of the Prime Minister after consultation.

# *Jamaica Court System*

## **Supreme Court**

The Supreme Court has unlimited jurisdiction in civil and criminal matters. It consists of the Chief Justice, a Senior Puisne Judge and at least twenty other Puisne Judges. Puisne Judges must be Attorneys-at-law of at least ten years standing. Judges of the Supreme Court are appointed by the Governor General on the recommendation of the Judicial Services Commission. They have jurisdiction to hear applications regarding breaches of fundamental rights and freedom as provided for under the Constitution.

This Court exercises important supervisory functions over tribunals like the Industrial Disputes Tribunal and the Resident Magistrate's Court in the hearing of writs of habeas corpus and making of orders of certiorari, mandamus and prohibition. Two divisions of the Supreme Court are the Revenue Court established in 1971 and the Gun Court established in 1974. The Gun Court Act was later expanded to include the Western Regional Gun Court that hears gun offences committed in the parishes of St. James, Trelawny, Westmoreland and Hanover. The third division of the Supreme Court is the Commercial Court which began operations in February 2001.

The Circuit Court is the criminal jurisdiction of the Supreme Court that is convened in Parishes for the proper administration of justice. It is convenient for the parties involved, as it eliminates the need to travel to Kingston for the prosecution of cases.

The Circuit Court held for the parishes of Kingston and St. Andrew is called the Home Circuit Court, while that which is convened in the other Parishes are named after the respective Parish, for example, the St. Catherine Circuit Court or the St. James Circuit Court.

# *Jamaica Court System*

## Resident Magistrate's Court

There is a Resident Magistrate's Court for every Parish and it has jurisdiction within that Parish and one mile beyond its boundary line. This Court presides over both civil and criminal matters. The divisions of the Resident Magistrate's Court are the Family Court, the Juvenile Court, the Traffic Court, Gun Court, Small Claims Court, the Drug Court and the Night Court.

The Resident Magistrate's Court has limited jurisdiction in both civil and criminal matters; the amounts and the extent of the jurisdiction of this court is provided for in the Judicature (Resident Magistrate's) Act. The Resident Magistrate must be an Attorney-at-law of at least five years standing. Resident Magistrates are appointed by the Governor General and the Judicial Services Commission.

Civil matters tried at a Resident Magistrate's Court include recovery of possession, recovery of rent, granting of probate and letters of administration. The Resident Magistrate's Court has no power to hold a trial for certain criminal offences including murder, treason and rape, however in such cases a Preliminary Examination or enquiry into the charge is held. In this enquiry, unlike a trial where the objective is to determine whether the defendant is guilty or not guilty, the purpose is to determine whether the evidence is sufficient for the accused to stand trial at the Supreme Court. The jurisdiction of this Court is defined by Statute.

# *Jamaica Court System*

## **Petty Session**

The Petty Session Court is presided over by Justices of the Peace. The Justices of the Peace Jurisdiction Act confer various powers on the Justice of the Peace including the power to issue warrants consequent on non-obedience to summons. A Resident Magistrate has the power of two Justices of the Peace.





# Jamaica Court System

## Highest Court of Appeal: Appeals to Her Majesty in Council (PRIVY COUNCIL)

The **Judicial Committee of the Privy Council (JCPC)** is one of the highest courts in the United Kingdom, established by the Judicial Committee Act 1833.

The Judicial Committee of the Privy Council is the court of final appeal for the UK overseas territories (including Jamaica) and Crown dependencies, and for those Commonwealth countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee.

It is composed of between five and seven Law Lords, who hear appeals, both criminal and civil, from the Jamaican Court of Appeal.



## CHIEF JUSTICE

**Chief Justice** The Chief Justice is appointed by the Governor-General, on the recommendation of the Prime Minister, after he has consulted the Leader of the Opposition. The Chief Justice is the head of the Judiciary and is, by virtue of his office, Chairman of the Judicial Service Commission. Hence, he handles administrative matters such as appointments and transfers.

If the competence or conduct of the Chief Justice should lead to the question of his removal, the Prime Minister must first ask the Governor-General to institute an inquiry through a special tribunal. Such a tribunal may then request the Governor-General to refer the matter to the Judicial Committee of the Privy Council, which may recommend the Chief Justice's removal.



Chief Justice of Jamaica

# Additional Jamaica Court Systems

- **Revenue Court** The Revenue Court was established by the Revenue Court Act of 1971. The Court is a superior court of record with an official seal. The judge is a Puisne Judge of the Supreme Court. The Court has the jurisdiction to hear appeals under the Customs Act, the Excise Duty Act, the Valuation Act, the Income Tax Act, the Land Development Duty Acts, the Transfer Tax Act and the General Consumption Tax Act. In 1974 the Gun Court was established, with certain divisions being superior courts of records; i.e. the High Court Division (established by Act in 1976), and the Circuit Court Division. In these divisions, certain firearms offences, (which attract mandatory life imprisonment sentences), are tried.
- **Family Court** The Family Court deals with the maintenance of children, juvenile delinquency, custody and guardianship of children, adoption and married women's property rights, in the corporate area. The Family Court also operates in Montego Bay. This court has jurisdiction for the parishes of St. James and Hanover.

# *Legal Aid Assistance in Jamaica*

Jamaica does provide legal aid assistance to its citizens. Under the Legal Aid Act, legal aid may be granted to any person who is detained at a Police station or in a lock up or other similar places. The Act also stipulates that a Legal Aid certificate entitled the person to whom it is granted, legal aid, as may be specified for the preparation and conduct of his or her defence.





# Legal Aid Assistance in Jamaica

The Legal Aid Act was passed on December 9, 1997 and the sections in the Act dealing with assistance in criminal matters came into operation on May 1, 2000. The Act established a National scheme for legal aid to encompass all aspects of legal aid throughout the island. Prior to the passing of the Act, there was limited statutory legal aid in criminal matters through the Poor Prisoners' Defence Act and extremely limited assistance in civil actions.

**Legal assistance was also provided in both criminal and civil matters by three established legal aid clinics in the island.**

**The Kingston Legal Aid Clinic**

**The Montego Bay Legal Aid Clinic**

**The Norman Manley Law School Legal Aid Clinic**

**The clinics in Kingston and Montego Bay are limited liability companies founded primarily by concerned Attorneys in the two towns in the 1970s. They were funded through fees from clients, donations from well-wishers and international agencies and as the years progressed, with some assistance from government.**

The clinic at the Norman Manley Law School is a teaching clinic, funded by the Council of Legal Education and therefore rode a different path from the other two clinics.

The clinics in the two towns could not cover the needs of all the parishes despite efforts to extend their reach to neighboring parishes through outreach and mobile clinics. The need for proper representation in criminal matters for all Jamaicans, the cry for equal justice for all and the growing awareness of the rights of each citizen fueled the flame that had been lit by these clinics and lead to the preparation of this legislation.



# Legal Aid Assistance in Jamaica

## Legal Aid Programs currently operated:

Duty Counsel at Police Stations; and Legal representation in the Criminal Courts throughout the island. Regulations and forms have been promulgated and procedures to be followed set out; these have been refined by years of operations.

### 1. Duty Counsel

Under this scheme, the Council provides the service of a Counsel to persons who are being held at a police station, lock up, correctional institution or any other place where he/she is being held or detained before a court appearance; Counsel gives legal advice to that person who is detained or accused of an offence; attend an identification parade, if one is being held; be present at the taking of a Cautioned Statement, if one is to be taken or at a questioning by the police, whether the questioning will be recorded by the police or not; to make representation for bail at the lockup; and to represent the citizen as Counsel on his first appearance in Court.



## 2. Legal Aid in the Courts: Resident Magistrate's Court, Circuit Courts, Gun Courts and the Appeal Court.

When an application is made and granted by the appropriate authority, the Council provides Counsel to conduct the defence on behalf of the accused. The fees paid for these services vary depending on the seniority of the Counsel, the offence and the Court before which the accused is tried.

The Council maintains a panel of attorneys, who have indicated their willingness to offer their services to persons who are in need of legal aid. These attorneys are drawn from across the length and breadth of Jamaica and operate in the Courts across Jamaica. There are at present over Two Hundred and Seventy-five (275) attorneys on the Council's panel and they include established senior attorneys, as well as junior attorneys.

From time to time the Council conducts seminars to inform people of its functions and their rights under the Legal Aid Act. The Council also supervises the two existing clinics, which are the Kingston Legal Aid Clinic, located at 131 Tower Street, Kingston and the Montego Bay Legal Aid Clinic at 17 Orange Street, Montego Bay, St. James. Both these clinics are under the supervision of a director and his staff.

Although the Legal Aid Act makes provision for legal aid in Civil matters, at present legal aid is granted only in Criminal matters. A person who appears before a Magistrate or a Judge, charged with a Criminal offence, and whose means show that he/she cannot afford the services of a private attorney will be granted legal aid, provided he/she is not charged for one of the excepted offences.

# Legal Aid Assistance in Jamaica

The coordinated system entails dealing with both civil and criminal matters in all the courts in Jamaica. The system sets up four programs:

- **Legal representation in criminal matters in the courts;**
- **Legal representation at the Police Station on arrest or detention; (Duty Counsel)**
- **Legal representation in civil matters.**
- **Legal advice**

The third and fourth programs, civil legal aid and legal advice, are currently operated only through the Kingston and Montego Bay Legal Aid Clinics.

- Legal aid is to be granted to a person whose means are insufficient to enable him to obtain legal services from a private Attorney for the preparation and conduct of his defence in “appropriate proceedings.”

## Appropriate proceedings are defined in the Act as:

- All criminal matters in the Resident Magistrates’ Court, including committal proceedings.
- Any trial, or appeal from conviction in a court below, in a criminal matter in the Supreme Court.
- Any appeal from conviction in a criminal matter to the Court of Appeal or to Her Majesty in Council.
- All offences are dealt with under the Act save for “excepted offences”. Section 28(1) of the Act gives the Minister the power to make regulations, including

## The Excepted Offence of the Act:

- **The excepted offences are:**
- **Certain offences under the Money Laundering Act; and**
- **Certain offences under the Dangerous Drugs Act, when the amount of the substance for which the person is charged, exceeds eight (8) ounces.**



# Legal Aid Assistance in Jamaica

## How to get Legal Aid

### **Step one**

Get a form from any legal aid clinic or court office.

### **Step two**

Complete the application form. If you need help, ASK FOR IT at a court office, at a legal aid clinic, or from a justice of the peace (JP).

### **Step three**

Take the application form to any one of the following places:

- The court office which is dealing with your case.
- The nearest legal aid clinic.
- The Office of the Registrar of the Gun Court.
- The Supreme Court or the Court of Appeal.

### **Step four**

An officer of the relevant office will look at your form and tell you whether you can get legal aid.

How the Jamaican government pays for legal aid:

[http://www.moj.gov.jm/pdf/lac\\_payments\\_rel.pdf](http://www.moj.gov.jm/pdf/lac_payments_rel.pdf)



# *Legal Aid Assistance in Jamaica*

## **LEGAL AID IN CIVIL MATTERS**

The implementation of legal aid in civil matters through out the Island while an important item, cannot be considered now when the funds for the operations of the two programs under legal aid in criminal matters is inadequate.

**The two legal aid Clinics under the Council do provide some assistance in this area in the two largest cities, Kingston and Montego Bay.**

**The Council is well aware of the need and the urgency to expand its operations into civil matters and is considering two possibilities in the near future:**

1. Commencing civil legal aid in only some areas such as family cases and where there is a violation of someone's fundamental rights;
2. Operating civil legal aid through the establishment of other legal aid clinics in parish capitals throughout the Island or in regional clinics.

## **LEGAL AID CLINICS**

The future of Legal Aid in Jamaica has to be the establishment and operation of Legal Aid Clinics in each parish capital; the de-centralization of the programs and the operating of them on a local level.

Initially, this can be done on a regional level, by establishing clinics to cover more than one parish and then to promote the establishment of one clinic per parish.

These clinics would not only administer the present programs but could also more easily develop civil legal aid in their operations as they each grow in strength, organizationally.

# LEGAL AID FACTS

- After a means test is administered and your situation is assessed, you may be asked to pay part of your legal fees. NOTE: You can pay in installments.
- If you cannot afford it, you will not be forced to pay.
- An attorney will be assigned to your case and will go to court with you.
- For more information, contact the Legal Aid Council in Jamaica at 876-948-6999.



# MEDIATION

## What is Mediation?

Mediation is the use of a facilitator (trained, unbiased, confidential) to help parties with conflict to talk and listen with a view to designing a solution which meets their needs. Mediation can be conducted in the court system, in community, workplace, police stations, schools, or any setting where the disputants choose to use a third party to help them settle their differences.

## Why Mediation?

- For the purpose of reaching solutions;
- It reduces delays;
- It is cost effective and circumvents red tape and formality; and
- It allows for continued relationships.



## TIPS ON RESOLVING DISPUTES:

- Talk about how you feel;
- Be honest about what affects you;
- Choose to talk instead of fight;
- Don't be quick to blame others;
- Don't be afraid to say what you don't like;
- Always try to be respectful;
- Talk in a safe place;
- Remember some things are always private;
- Ask a mediator for help if you cannot agree; and
- A mediator will guide you on how to share ideas.



# MEDIATION

Mediation is offered in Jamaica by **THE DISPUTE RESOLUTION FOUNDATION (DRF)**. The Dispute Resolution Foundation, formerly the Mediation Council of Jamaica, was incorporated July 1994 to increase cooperation in the management and (DRF) is a private voluntary resolution of disputes involving business, the police, courts, social service agencies and the people, through the controlled process of mediation. **It is a voluntary organization.**

Core funding up to 1996 was provided by USAID under the Sustainable Justice Improvement Program. The Foundation seeks to implement a very successful model of dispute resolution which is widely used by businesses and courts in the U.S.A., Hong Kong, Canada, Australia and the United Kingdom.

The DRF has a panel of skilled mediators and trainers to resolve disputes, train mediators, and develop business, court-annexed, police and community dispute resolution, and arbitration program - appropriate options for dispute resolution, under the patronage of the Chief Justice of Jamaica.



## Some of its objectives are:

- To encourage and educate the public about using ADR techniques to resolve conflicts without resorting to violence;
- To establish Peace & Justice Centers in communities throughout Jamaica;
- To increase the use of mediation services by the legal profession as a dispute resolution option.

# MEDIATION

Mediators include teachers, students, lay magistrates, community leaders, inmates, correctional service officers, attorneys, corporate executives, managers, line staff and young people. From February 1995 to Sept. 2002, over 8000 persons received training or service, in Jamaica, Belize, Trinidad & Tobago, St. Vincent & Barbados.

**PEACE & JUSTICE centers** have been established in Kingston & St. Andrew, St. Mary, Hanover and St. James. Trained mediators are in St. Catherine, St. Ann, St. Thomas, Manchester, Portland, Westmoreland and Clarendon. These centers and mediators will offer mediation services and support the work of the police, courts, CBOs and schools in reducing crime and violence in Jamaica.

There is a corps of youth mediators trained through KRC, UNICEF & SDC as well as work done with forty-two (42) high schools and Teacher Training Colleges in the island.



# MEDIATION

## THE DISPUTE RESOLUTION FOUNDATION (DRF)

### The following are some of the objectives of the Foundation:

1. to establish methods of resolving disputes in Jamaica which are supplementary, complementary or alternative to litigation, called Alternative Dispute Resolution (ADR) techniques;
2. to encourage and educate the public about using ADR techniques to handle conflicts and differences without resorting to violence;
3. to establish several dispute resolution facilities in communities throughout Jamaica;
4. to explore and establish such ADR techniques as methods of resolving domestic, commercial, industrial, political and social disputes among members of the Jamaican community;
5. to increase the use of mediation services by the legal profession as a dispute resolution option.

### **For training and sensitization in Alternative Dispute Resolution (ADR):**

Court connected  
Workplace/business  
Family and community  
Schools /colleges etc.  
Restorative Justice  
Mediator certification  
Caribbean programs  
Contact: Ms. Jennifer Williams, Training

For Mediation Services in Jamaica: Contact Ms. Jennifer Williams, Training Manager at (876) 908-3657.

Email: [Jennifer.williams@drfja.org](mailto:Jennifer.williams@drfja.org)



# The Caribbean

