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Resilient nations.*

WHERE ARE THE WOMEN?

A Study of Women, Politics,
Parliaments and Equality
in the CARICOM Countries

JAMAICA Case Study

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UNITED NATION DEVELOPMENT PROGRAMME

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In 2014, a regional analysis was undertaken with the objective of examining the presence of women in decision-making positions in the countries of the Caribbean Community (CARICOM)¹, and to determine the relationship between their presence in politics and institutions and national advances on gender equality. The initial hypothesis for the study was that there is a relationship between women's presence and the effect thereof through the inclusion of gender and other related inequality issues into the legislative and executive agenda, and that women are therefore important agents of change for development.

The study was conducted as a desk review, during which available information and data on women, parliaments, and gender equality were collected and analysed from existing reports, documents, and other resources. While the aim of the research was to analyse the data on women's political participation at the local and national levels for the period between 2000 and 2013, data outside the period were incorporated whenever possible in order to create the most comprehensive panorama of women's political participation possible. Although there were significant challenges and limitations in conducting the desk review in regards to the quality, usability, and availability of data, information sources and relevant data from several countries allowed for more in-depth analysis in several instances. This analysis allowed for the creation of three case studies: Suriname, Jamaica, and Guyana.

The structure of this document, the Jamaica case study, is divided into three sections. The first provides an overview of the political and electoral system of the country, and provides the context that influence women's political participation. The second part lays out women's participation to date, and covers the legislative, executive, and judicial branches of government, as well as national and subnational political spheres. Because Jamaica contains an afro-descendent population (the Maroons) that has governance structures in addition to those of the national government, women's political participation in this area is also reviewed. The final part reviews women's power in influencing, promoting, and contributing to gender equality and the empowerment of women. It includes women's participation in political parties and parliaments, in particular on their participation in parliamentary committees and the legislation that has been passed. It also examines the role and influence of women's political caucuses, women's organisations, and gender bureaus.

¹ Antigua and Barbuda; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Haiti; Jamaica; Saint Lucia; St. Kitts and Nevis; St. Vincent and the Grenadines; Suriname; and Trinidad and Tobago — only Montserrat was not included.

1. General Overview, Political System and Electoral System of Jamaica

Jamaica is situated approximately 145 kilometers south of Cuba, 160 kilometers west of Haiti, and 920 kilometers southeast of Miami. With a surface area of 10,991 km², it is the third largest island of the Caribbean. The Statistical Institute of Jamaica estimated the total population at 2.7 million (1.34 million men and 1.36 million women).

The island is administratively divided into three counties, Cornwall, Middlesex and Surrey, and 14 parishes: Hanover, St. Elizabeth, St. James, Trelawny, Westmoreland, Clarendon, Manchester, St. Ann, St. Catherine, St. Mary, Kingston, Portland, St. Andrew, and St. Thomas.

The 2014 Human Development Report ranks Jamaica among the high human development countries at 96th place. Jamaica's 2013 HDI value is 0.715, which is below the average of 0.740 for countries in Latin America and the Caribbean. In comparison with similar countries in the region in terms of population size, Jamaica ranked higher than Dominican Republic (102nd) but is below of Trinidad and Tobago (64th)².

Table 1: Jamaica Human Development Data

HDI value (2013)	0.715
HDI growth (2000-2013)	0.49%
Gender Equality Index (2013)	0.457
Youth HIV prevalence (15-24 yrs)	0.5% (women); 0.9% (men)
Infant mortality (per 1000 live births)	14
Mortality rate (per 1000 adults)	103 (women) 188 (men)
Literacy rate	87%
Gross enrolment rate (2003-2012)	NA (primary) 93% (secondary) 26% (tertiary)

Source: 2014 Human Development Report

² Human Development Report 2014: Jamaica Country Note. http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/JAM.pdf

Political System

Jamaica became independent in 1962, although it is not a republic. It is a member in the Commonwealth of Nations and a constitutional monarchy with the British monarch as its chief of state. The content and concepts of Jamaican law are basically the same as those of Great Britain, although the Jamaican Parliament has enacted statutes with due consideration for local conditions. Immediately after her inauguration in January 2012, Prime Minister Portia Simpson-Miller publicly announced that her administration would make Jamaica a republic with a President, stating that the time had come for the British model of government to be abandoned.

Like other countries of the English-speaking Caribbean, Jamaica follows the Westminster system of government, in which legislative and executive powers are somewhat merged. The executive cabinet is usually made up of senior or more politically powerful members of the legislative branch, while the primary function of parliament is to scrutinize and refine government legislation. Supporters of the Westminster model emphasize that the system allows efficiency — especially in its ability to make quick decisions without being blocked by other institutional powers. However, critics have pointed out the lack of counter-balances to check the power of the executive branch and the head of government.

Electoral System

The electoral process in Jamaica is overseen by the Electoral Commission of Jamaica (ECJ). The ECJ was established in 2006 as a permanent independent and autonomous authority that reports directly to parliament and is comprised of four selected members (from civil society), four appointed members (two nominated by the Prime Minister and two nominated by the leader of the opposition), and the Director of Elections — a non-acting member appointed unanimously by the eight commissioners. The first woman was appointed to the chair of the ECJ in October 2013, and at present, two of the eight commissioners are women, as is its Director.

Jamaica has universal suffrage for all citizens of at least 18 years of age, and person eligible to vote must be on the voters' list, which is published and publicly available for verification. The country has a functional two-party system, and a Prime Minister who is head of government. According to the Constitution, the Prime Minister must

call general elections no later than five years after the first sitting of the previous Parliament. However, elections may be called earlier than the law requires if the government in power loses the confidence of the House of Representatives, or if the Prime Minister feels the need to call for a public mandate on an important issue.

Jamaica uses a first-past-the-post electoral system, where voting takes place in single-member constituencies. Voters put a cross in a box next to their preferred candidate, and the candidate with the most votes in the constituency wins³. Political parties select the candidates listed on party tickets and the constituencies from which they will run, and candidates nominated by their respective political parties must formally indicate their interest in running on nomination day. Each nomination must be accompanied by a deposit, which is forfeited if the candidate receives less than one-eighth of the votes cast. Each constituency elects one candidate.

National-level elections for the House of Representatives and local-level elections for the parishes do not take place on the same date. Local-level elections are supposed to be held every three years, but are often postponed. For example, there was an eight-year span (1990-1998) where no parish council elections were held, and the most recent elections (2012) were supposed to have taken place in 2010.

It should be noted that voter turnout has been decreasing at both the national and local levels. At the national level, turnout percentage dropped from 89.1% in 1980 to 53.2% in 2012. While local elections have traditionally had a low turnout, participation in the 2012 elections was the lowest ever, at only 34.7%. Reasons given in interviews and public comments for low turnouts have varied from frustration of the electorate, to people stating that they had already performed their civic duty by casting their vote the year before at the national elections, and to a lack of campaign funds.

In regards to women's participation in the electoral process, during a large-scale consultative process of the ECJ to draft a report on campaign financing for parliament, participants raised the issue of increased representation of women on the Electoral Commission, and the need for research on gender equity and capacity building on gender and development.

³ See: <http://www.electoral-reform.org.uk/first-past-the-post/>

2. Women's Access to Legislative, Executive, and Judiciary Branches

While Jamaica does not have a quota system, its national gender policy has laid down a desired target of 30% women in decision-making positions. It has achieved a remarkable level of representation by women in legislative bodies, and in senior and middle management positions in government service. Women also hold top positions such as chief justice and accountant general.

Currently, women are represented in over one quarter of the seats in Jamaica's Senate, and 12.7% of its House of Representatives (Table 2). In terms of the Judiciary, nearly 43% of high court appointees have been women. Women's representation in local councils stands at nearly 19%.

Table 2: Women in executive, legislative and judiciary powers (between 1993 and Nov 2014)

	1993	1997	2002	2007	2011	Nov 2014 ⁴
Cabinet Ministers	6.2%-18.7% ⁵	11.1%-22.2% ⁶	18.7%-25% ⁷	13.3% ⁸	20%-25% ⁹	20%-25% ¹⁰
Senate	14.3%	23.8%	19.0%	14.3%	23.8%	28.6%
House of Representatives	11.7%	13.6%	11.7%	13.3%	12.7%	12.7%
Local Councils*	12.8%	25.6%	11.9%	19.8%	18.9%	18.9%
Judiciary ¹¹	NA	NA	NA	25.9%	50.0%	42.9%

Sources: Office of the Prime Minister, IPU database, ECLAC Gender Observatory

Jamaica Gleaner, Sep 16, 2007, www.jamaica-gleaner.com

Note: Local council elections were in 1990, 1998, 2003, 2007 and 2012. The results were placed in the nearest reference year in the table above.

As in other English-speaking CARICOM countries, Jamaica's Westminster system of government, which requires that all ministers must be parliamentarians, creates an inherent problem in analyzing women's representation due to the 'double presence' in parliament and cabinet.

⁴ Information as of November 2014 has been included, when available

⁵ 18.7% if ministers of state included; 6.2% if excluded

⁶ 22.2% if ministers of state included; 11.1% if excluded

⁷ 25% if ministers of state included; 18.7% if excluded

⁸ 2 of a total of 15 ministers, incl. Prime Minister, and state ministers not included. <http://www.jaconsulatecayman.org/docs/JaCabinetMinistersSept2007.pdf>

⁹ 25% if ministers of state included; 20% if excluded

¹⁰ idem

¹¹ Refers to judges appointed in high courts

It should be noted that the number of women appointed to posts is growing faster than the number of women elected, which is evident in the fact that the Senate (which is appointed) has twice the representation of women as the House (which is elected). This may suggest the possibility that the general public (the electorate) does not wholeheartedly accept women as legislators or in decision-making positions, given the impact of patriarchy and sexism in the country that has been noted in documents such as the country reports to CEDAW. It also indicates that political parties are not nominating sufficient women to candidates' lists, or are not sufficiently promoting or training them within the party structures.

A recent study by CIWiL and UN Women¹² finds multiple reasons for women's non-participation. It states that many women in Jamaica might be tempted to withdraw from participation in any form of representational politics, due to:

- Verbal abuse;
- The portrayal of women in the media;
- Condescension and discrimination by male colleagues;
- The lack of support from both female and male colleagues;
- The lack of intra-party democracy; and
- Persistence of the exclusionary male network.

However, the Jamaican government appears to be keeping to its commitment to appointing more women. Representation of women as cabinet ministers, senators, and mayors has now reached 20%. If this trend continues, the 30% threshold could be reached in the so-called 'appointed categories' after the next elections in 2016. However, affirmative action and intense advocacy will be needed to increase the number of directly elected women in the legislature.

Women and Legislative Power

Jamaica has a bicameral parliamentary system: an elected House of Representatives (lower house) and an appointed Senate (upper house). The Governor General is the ceremonial head of parliament, and the Prime Minister is head of government. Under Jamaica's two-party system, the leader of the opposition is an institutionalized position, and receives a higher rate of remuneration than ordinary members of parliament. The opposition leader is appointed by the Governor General and is usually the leader of the largest single group in opposition. He or she is officially consulted on key decisions — especially on appointments to public office.

¹² CIWiL and UN Women study

The House of Representatives consists of 63 members who are directly elected by single-member constituencies. The Speaker and Deputy Speaker of the House are elected from within the House, its members. The Speaker's role is to act as a nonpartisan chair of proceedings, and therefore rarely takes part in debates. Public bills, which are designed to implement government policy, are not introduced by House members, but by cabinet ministers or other government officers. However private members' bills can be introduced by any other member of the House. Money bills, which deal with Government's finance, such as taxation, loans and audit of accounts, may be initiated only in the House. No matter how they originated, bills can only become law if passed by a majority of the members present in the House.

During the period from 1993 - 2013, a total of 38 women were elected to the House of Representatives in Jamaica, meaning that 12.5% of elected members of the House over the past twenty years were women. Interestingly, there was a steep increase of women candidates in 1997, where the number more than doubled in comparison to the previous election (Table 3). However, despite this increase, the number of women actually elected did not increase considerably. Since that time, the number of women candidates has been falling, while the number of electable women candidates has increased. The percentage of women parliamentarians in the House has fluctuated between 10% and 13%¹³, and currently stands at 12.7%. However, the actual number of women candidates has stagnated just above 20 in the last elections, and has in fact decreased in comparison with the 1997 and 2002 elections.

Table 3: Seats in House of Representatives after general elections, and % of women (1993-2011)

Year	Seats	Number of women candidates	Number of women elected (% of total seats)	% of women candidates elected in relation to nominated
1993	60	14	7 (11.7 %)	50%
1997	60	32	8 (13.3 %)	25%
2002	60	28	7 (11.7 %)	25%
2007	60	21	8 (13.3 %)	38%
2011	63	22	8 (12.7%)	36%

Sources: NGO Shadow report to CEDAW (2006); UN Statistics Division; Caribbean Journal; Inter-parliamentary Union

13 <http://data.worldbank.org/indicator/SG.GEN.PARL.ZS>, accessed on 3 December 2013

In terms of leadership, there have been two women speakers in the House of Representatives since 1955. The first was appointed in 1997 and served until 2003, the second served from July to December 2011. These same women were also the only two female deputy speakers appointed in the House.

The Senate usually functions as a review chamber, considering bills passed by the House. It may also initiate legislation other than that related to state finance, taxation, etc. The Senate also has the power to delay legislative bills; however such delays may be overridden if a majority in the House passes the bills three times in succession. In regards to constitutional amendments before Parliament, concurrence by the Senate is required. This body is not directly elected. Rather, the Governor General appoints the 21 members of the Senate: 13 on the Prime Minister's advice and 8 on the opposition leader's advice. Senators do not represent geographical areas or regions. A president and deputy president of the Senate is elected at the first meeting of a newly-appointed Senate, or whenever there is a vacancy. In regards to executive branch appointments, no more than four ministers can be appointed from the Senate.

There are a much higher percentage of women in the Senate than in the House of Representatives (Table 4), which seems to confirm the general trend in the English-speaking Caribbean that women are more visible in appointed legislative positions than in directly elected positions.

Table 4: Percentages of women in the House and the Senate (2014)

Legislative chamber	Percentage of women
House of Representatives	12.7%
Senate	28.6%

Sources: IPU Parline database

The number of women appointed to the Senate increased from 3 (in 2007) to 6 (in 2014), bringing the current percentage of women to 28.6% (Table 5). However, it remains unclear whether this increase in representation translates into an increase in the decision-making power of women, given that political parties tend to nominate retired politicians, persons who have failed to win a seat in the House, or wealthy contributors to their parties as senators. Moreover, the Senate has also been reproached for its lack of independence, and merely rubber-stamping whatever the ruling party decides in the House of Representatives. As a result, there have been calls¹⁴ to reform the Senate, possibly by having Senators directly elected.

¹⁴ http://www.jamaicaobserver.com/editorial/Is-the-Senate-fulfilling-its-best-purpose-_15332338#ixzz2moo4M70C, accessed 4 December 2013

Table 5: Number and percentage of seats held by women in Jamaican Senate (2011)

Political party	Total number of seats	Seats held by women (% of total seats)
PNP	13	3 (23%)
JLP	8	2 (25%)
Total	21	5 (23.8%)

Sources: Jamaica Elections Commission, IPU Parline database

In regards to women in positions of leadership in the Senate, of the eleven Presidents of the Senate since 1962, only two were women. The first woman President of the Senate was appointed for the period 1984-1989, and the second served from 1995-2007. Except for the period 2002-2007, the Senate has constantly had a female Deputy President since 1981.

Women and Executive Power

The British Monarch, represented by the Governor General, is head of state. The Governor General selects the Prime Minister from the party leader favored by the majority of the elected members of the House of Representatives. Once appointed, the Prime Minister selects the other cabinet members, directs cabinet business, and acts as the government's chief spokesperson. The Prime Minister may resign or may be removed if he or she is no longer a member of the House of Representatives, or if given a vote of no confidence by a majority of House members.

The cabinet is the highest decision-making body in the Executive. Cabinet ministers must be chosen from the elected members of parliament or from the appointed senators (at least 2 and at most 4 of the latter). As a result, the boundaries between the executive and legislative powers are sometimes unclear, which gives the executive power influence over legislative procedures — especially if the ruling party holds a large majority.

Besides the Prime Minister, the cabinet consists of sixteen ministers who head ministries and four additional cabinet ministers without a portfolio. Eight junior ministers, also called state ministers, are appointed as well — although they are not members of cabinet, and do not have responsibility for a ministry or budget. They are appointed under a cabinet minister and assist with operations in the ministry or sector where they are appointed.

The data appears to indicate that women’s representation in cabinet has vastly improved. However, a closer analysis of the composition of the 20-member cabinet of ministers proves differently (Table 6). Besides the Prime Minister (who also serves as the Ministers of Defense, Development, Information, and Sports), only one other woman (Lisa Hanna, Minister of Youth and Culture and MP) holds a minister’s post with a portfolio. Two of the four ministers without a portfolio, who function from within the office of the Prime Minister, are women. One of the eight junior ministers is a woman, however it should be noted that a junior minister is not a full cabinet minister.

Table 6: Women ministers and state ministers (2011)

Women Ministers	Remarks
Prime Minister	Also Minister of Defense, Development, Information and Sport
Minister of Youth and Culture	Of a total of 20 cabinet ministers
Minister of Information Minister of Sport	Two of four Ministers without a portfolio that operate from within the Office of the Prime Minister
State Minister in the Ministry Industry, Investment and Commerce	Of a total of 8 junior ministers, who are not members of cabinet

Sources: *Jamaica Gleaner*¹⁵, *Office of the Prime Minister*

Since its independence in 1962, Jamaica has known only one female Prime Minister, Portia Simpson-Miller, who held office from March 2006 until September 2007, and has been the incumbent since January 2012. She has been visible in politics as a minister, and as deputy chair of her political party (PNP) from 1978 until 2006, when she was elected its chair. While Prime Minister Simpson-Miller has been commended for placing more women ministers than ever before, criticism remains regarding the positions to which women were appointed in current cabinet,¹⁶ as the “big and important cabinet portfolios” are still held by men.

Women and the Judiciary

Jamaica inherited a common law legal system from England. In essence, the Jamaican judicial system is organized in five basic tiers: the Judicial Committee of the Privy Council in London, the Court of Appeal, the Supreme Court, the Resident

¹⁵ Jamaica Gleaner of 6 Jan 2012 <http://jamaica-gleaner.com/latest/article.php?id=34383>, and Jamaica Observer of 8 Jan 2012 http://www.jamaicaobserver.com/news/20-MEMBER-CABINET_10516805, both accessed on 1 Dec 2013

¹⁶ Caribbean Journal, <http://www.caribjournal.com/2012/03/12/forbes-women-in-jamaica/>, accessed on 3 December 2013

Magistrates' Courts, and the Petty Sessions Courts. The Court of Appeal, which currently consists of seven members, was established in 1962 and is the highest appellate court in Jamaica.

The Office of the Public Defender was created in 2000 by the Public Defender Act 1999. It has an ombudsman function for investigating and remedying maladministration, with additional jurisdiction to investigate alleged violations of constitutional rights.

In commenting on current legislation during one of the consultative stakeholder meetings in the participatory process to discuss a long-term development framework for Jamaica (Vision 2030), participants noted that the legal environment in the Jamaican judicial system is characterized by gender inequality resulting from unequal gender dynamics, rules, norms, values, and the prevalence of a patriarchal system that influences how women and men are treated under the law. This causes some legal issues to be viewed only from a male perspective, with women's problems either trivialized or oversimplified.¹⁷ For example, Amnesty International observed in 2005¹⁸ that judges are still required to issue a warning to women in court in cases of uncorroborated sexual assault. The judge is supposed to read aloud the following warning:

"... This warning is necessary because experience has shown that women and young girls often tell lies and for that reason the law requires this independent evidence. However, if there is no corroboration and you believe that the complainant is telling the truth and bearing the warning in mind you can proceed to act on her evidence even if there is no corroboration."

The 2012 report of the Bertelsmann Stiftung's Transformation Index (BTI) mentioned, with regard to the situation of women in court decisions, that the situation become more complicated:

"... as a result of the highly sexualized environment and culture in Jamaica in which a woman's body is seen primarily as a sex object. Incidents of sexual harassment and abuse, rape and incest are therefore frequently treated lightly and not as serious offences." (p.9)

Awareness training sessions for the police have been conducted recently, and a Centre for the Investigation of Sexual Offences and Abuse has also been set up — initiatives that have brought some improvement in the treatment of women and women's attempts to seek redress from abuses. Also, with the increasing number of

¹⁷ Bureau of Women's Affairs (Gender Affairs) & The Gender Advisory Committee, 2010, p.14

¹⁸ Amnesty International, 2006

women appointed to the judicial system in Jamaica as attorneys in higher positions in the judicial system (such as director of public prosecutions, attorney general, and solicitor general), one may hope to see an improved situation for women in court in the future — in particular in sexual offence cases.

There has been remarkable growth in the percentage of women appointed to high courts in Jamaica (Table 7), which climbed from 12.5% in 2005 to 50% in 2010. However, a decrease can be observed in 2012 to 42.9%.

Table 7: Percentages of women judges appointed in Jamaica 2005-2013

2005	2006	2007	2008	2009	2010	2011	2012	2013
12.5%	25.9%	25.9%	25.9%	25.9%	50.0%	50.0%	42.9%	42.9%

Source: ECLAC Gender Equality Observer, <http://www.cepal.org/oig/default.asp?idioma=IN#>

Currently, three of the seven members of the Court of Appeal are women, as is the Chief Justice, who was appointed since 2007 as the first woman in that position. Forty-three percent of judges are women.

Women at the Sub-National Level

Although there is no constitutional provision for local government in Jamaica, there has been legislation pertaining to local government since the Parish Councils Act of 1887. In 2003, the Municipalities Act allowed the creation of a second tier municipal council. At present, a process is underway to have local government entrenched in the constitution. The new legislation will define the roles and responsibilities of, and relationship between, the political and administrative directorate of Local Authorities¹⁹.

Jamaica has 14 local authorities: 12 parish councils, one single-tier municipal corporation, and one second-tier municipal council. Each of these has a council that exercises limited self-government and is elected directly. Parish councils are required by law to have two main committees (finance and poor relief) that hold delegated decision-making powers. Other committees may also be established (usually for public health, commercial services, building and town planning, and roads and works), but they only have the ability to make recommendations. The parish councils can also form ad-hoc committees to address a particular matter, or establish executive committees to assist the leadership of the council.

¹⁹ <http://www.localgovjamaica.gov.jm/ministrypapers.aspx>, accessed on 20 Dec 2013

Table 8: Local governance structures in Jamaica

Local Government System	Legal basis	Number of Reps	Elections	Women's representation
Parochial Boards system (later Parish Councils) 1887-present: single-tier government	No constitutional provision Parish Councils Act Parochial Rates and Finance Act 1900 Kingston City Corporation Act 1923 Municipalities Act 2003	Total of 14 councils (228 councillors) divided into: - 12 parish councils with 175 councillors - Kingston and St Andrew Corporation (KASC) with 40 councillors - Portsmouth Municipal Council with 13 councillors	Every 3 years <u>Last elections 2012</u> Voter turnout: 34.7% <u>Next elections 2015</u>	2000-2003: 27% 2003-2007: 23% 2007-2012: 18% 2012 elections: 19% <u>Leadership (2012):</u> Chairs Not available 4 women mayors: Manchester Kingston St Andrew Hanover St Thomas

The political arm of the parish is made up of councilors and headed by the mayor, who chairs the council and is responsible for determining policies. The party with majority in the council will appoint one of its councilors to be mayor. There is also an administrative arm that is headed by a manager appointed by Government, who advises and implements the policies of the council. The head of the administrative arm is also secretary to the council, and therefore called the secretary/manager.

Candidates for parish council elections are nominated by political parties in the electoral divisions, with control of the parish councils depending on the political party that controls the majority of the divisions within the parish. If neither party holds a majority in a parish council, the mayorship goes to the party that received the highest popular vote in the parish. In the 2012 parish elections, the ruling People's National Party (PNP) won 12 of the 13 parish councils.

The minister of state responsible for local government provides oversight for the laws governing the organization, structure, powers, administration and financing of local authorities, and coordinates collaboration of local and central government programs. This department also provides technical advice and guidance on local government-related issues and activities such as fire prevention and control, solid waste collection and disposal, and poor relief/welfare services.²⁰ The parish councils have become increasingly dependent on financial assistance from the central government because of insufficient revenues from local taxes, fees, and licenses. Politics have thus become increasingly centralized, and political issues are focused on the national rather than local level, which also influences decision-making in legislative procedures.

²⁰ Information in this paragraph comes from <http://www.clgf.org.uk/userfiles/1/files/Jamaica%20local%20government%20profile%202011-12.pdf>, accessed on 20 Nov 2013

The number of women on candidates' lists since 1990 has been gradually increasing (Table 9). However, the percentage of women elected in relation to the number of women nominated has actually decreased since the 1990 and 1998 elections.

Table 9: Percentage of female councilors (1990-2012)

Year	Number of women candidates	Number of women elected (% of all councilors)	Percentage of women elected / women nominated
1990	48	24 (12.8%)	50%
1998	118	58 (25.6%)	49.2%
2003	114	27 (11.9%)	23.7%
2007	116	45 (19.8%)	38.9%
2012	100	43 (18.9%)	43%

Sources: NGO Shadow report to CEDAW (2006); Caribbean Journal; Bureau for Women's Affairs

The low percentages of women being elected to council positions are said to be caused by low voter turnout and the lack of funding available from the political parties for campaigning in the parishes. At the local government level, there was a marginal decrease in the percentage of female councilors from 19.8% in 2007 to 18.9% (2012). However, it should be noted that the number of women candidates for local elections decreased in 2012, which therefore caused the percentage of women elected in relation to women nominated to increase. Jamaica's NGO shadow report to CEDAW²¹ notes:

“Although larger numbers of women are competing to be political representatives, their successes are limited. Of particular note is the very limited success of women in local government elections in 2003, compared with the previous period. No studies are known to us as to why the sudden decline.”

In an analysis by the Bureau of Women's Affairs²², it was found that woman's participation and representation, both in general elections and local government elections, remains substantially lower than that of men: 15% of the total participants in the 1990 elections were women, which had increased only slightly to 19% in 2003. However, as women's representation at the local level has increased faster than at the national level, it follows that a shift to more centralized power would reduce their influence and access to decision-making. At present, three of the fourteen mayors are women (21.4%), as are five of the fourteen secretary/managers (35.7%).

21 Jamaica and CEDAW: the NGO Perspective, 2006, p. 16

22 The Bureau of Women's Affairs (BWA) is an agency of the Office of the Prime Minister aimed at implementing the NPGE and promoting the empowerment of women and men. The quoted text comes from a brochure published by the BWA on 8 March 2013. Unfortunately, the analysis was not done for the elections of 2007 and 2011.

Statistics over the past decade show that the number of women who run for elections has indeed increased, particularly at the sub-national level. However, the number of women who actually gain positions has been disappointing. This could be related to concerns voiced over the fact that the expenses of campaigning give first-time candidates (who lack political experience and exposure) a profound disadvantage in elections.

Besides their political presence in sub-national government structures, women's appointment to public boards, school boards, and commissions is considered another key space for them to participate in governance structures, since they often use this route to start their political careers.²³

Women and Tribal Governance Structures

Jamaica has a small Maroon²⁴ community of some 2,000 persons who live in settlements on lands that were apportioned to them in treaties with the British. The treaties of 1739, signed between Maroons and the British colonial government, serve as the basis for self-determination and autonomous (quasi-) sovereign status with their own leadership and village councils. Although the political and legal status of Maroon communities is not addressed in the constitution, they nevertheless have their own traditional governance, judicial system, and leadership; and they continue to insist both locally and internationally on official recognition of the 'treaty rights' and their special political and legal status. Their communally owned lands still serve as a crucial subsistence base, and they maintain their own culture, customs, and celebrations and practices.

Although the Maroon governance structure is not formally recognized, its dignitaries are acknowledged by the Jamaican government, and the specificity of the group is considered unique. The relationship between the Maroon governance system and the local government structure in the parishes where their traditional lands lie is not clear — nor is it clear whether the Maroon community has developed politically oriented groups, and whether or not they are interested in national or parish politics.

²³ CIWil and UN Women study, p.57

²⁴ Maroons are descendants of African slaves who managed to escape from plantations and settle in small communities in the mountainous interior of the country.

The Maroons have retained their distinctive identity that originated during the time of Queen Nanny (or Granny Nanny), the founding mother of the Maroon community known for her exceptional leadership skills (she is the only woman listed among Jamaica's National Heroes). While there do not seem to be specific Maroon women's organizations involved in politics or with a gender equality agenda, women from five Maroon villages who act as preservers of their heritage formed the Maroon Indigenous Women's Circle (MIWC) in 2009. The MIWC been recently invited by one of its sister organizations, the *Marron Vrouwen Netwerk*²⁵ to visit Suriname. This latter organization is not only culturally oriented, but it has gained a place among the national women's organizations. *Marron Vrouwen Netwerk* also has a gender equality agenda, and some of its individual members have political ties and were nominated as candidates in the last two elections. The visit is planned for 2014, and it will be interesting to follow up with the MIWC to see if it will also develop a more politically oriented agenda.

²⁵ Transl.: Network of Maroon Women

3. Women, Power and Influence to Promote Gender Equality

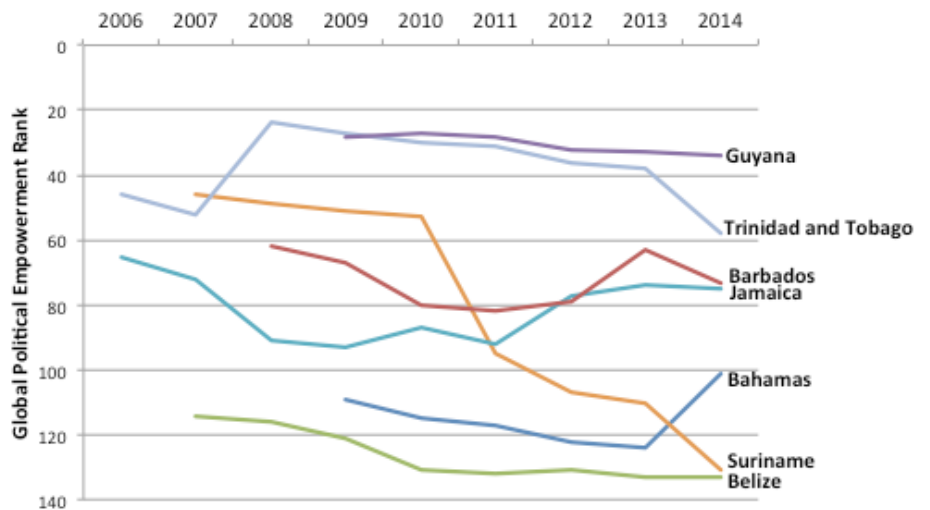
The original objective of the desk review was to seek out the causal link between women's political participation and its effect through the inclusion of gender and other related inequality issues into the legislative and executive agenda — thereby establishing the essential nature of women as important agents of change for development. As part of this objective, the case study seeks to analyze the extent of women's participation influence to promote positive changes in several fields of power.

There are Relatively Few Women in Decision-Making

According to the World Economic Forum (WEF) Global Gender Gap Index for 2014, which includes rankings of seven CARICOM countries (including Jamaica), the country saw a steady decline in its global political empowerment rank between 2006 and 2011 (Figure 1). However after the last election in 2011, its ranking increased with 15 points to 77th place out of 135 in 2012 — most likely due to Portia Simpson's election to Prime Minister and Head of State, as the presence of a female head of state is one of the indicators used for political ranking. Among the CARICOM countries mentioned, Jamaica ranks third for political empowerment after Guyana and Trinidad. However, in its overall gender gap index in 2013, Jamaica's ranking of 47 puts it behind four other Caribbean countries (Barbados, Bahamas, Guyana and Trinidad)²⁶.

²⁶ Global Gender Gap Report 2013, World Economic Forum

Figure 1: Global political empowerment rank for select CARICOM countries 2006-2014



Source: WEF Global Gender Gap 2014

Reasons Women are Underrepresented

Women’s participation in political decision-making has been difficult to achieve in the Caribbean in general. The impediments which have been named in different studies as factors preventing women’s political participation and representation undoubtedly also apply to Jamaica, as do the socio-cultural norms, negative stereotypical gender roles, and lack of empowerment that are also continuously mentioned in these studies. One of the major aims of Jamaica’s national gender policy is to encourage women’s political participation and representation, and to increase the number of women who vote in all elections and who are eligible for election to all public bodies. The policy also emphasizes the need to have more women participate in the formulation and implementation of government policy, hold public office, and perform all public functions at all levels of government.

The National Women’s Machinery, NGOs, and the international community have carried out awareness raising activities for gender parity in political participation and in decision making positions. However, the 30% quota for women parliamentarians that the Government has committed to in its national gender policy has yet to be achieved. Participation by women remains low at the highest levels of decision making, and there still appears to be a lack of political will to increase support for female politicians — especially in the area of campaign finance and supporting female candidates for election.

Yet, although women are seriously underrepresented in politics in Jamaica, several women have achieved powerful positions in the political arena, such as Jamaica's current Prime Minister, Portia Simpson-Miller, whose career began in local government as a councilor. She has been in her party's leadership since 1978 and has topped opinion polls for many years. Her People's National Party won 42 of the 63 seats in the House of Representatives in the last elections.

Institutional Impediments Within Political Parties

The CIWiL and UN Women study²⁷ noted that political parties often indulge in gender equality rhetoric while shirking active commitment to the issue. This is usually reflected in their leadership and decision-making structures. In the Jamaican case, both leading parties, which have governed since independence, appear to follow this same trend. For instance, while both parties have women's arms, male dominance is prevalent. A lack of transparency also contributes to this assumption. For example, CIWiL researchers were denied access by the JLP party leader for a review of the gender dynamics within the party conducted after its defeat in the last election. Additional evidence of a lack of commitment to gender equality can be found in available data of the PNP, which shows that despite the fact that the majority of party members are women at a ratio of 1.5:1²⁸, all major decision-making organs of the party are overwhelmingly populated with men.

Low presence of women in leadership positions in political parties

Women have a tradition of political involvement in Jamaica, ranging from the women's arm of the People's National Party in the early 1970s, to feminist efforts that pushed the government to set up special mechanisms to integrate women's affairs into national development policies. The PNP's Women's Movement, for example, was established by women from the political party and civil society, and has helped to put into place key legislation, policies, and programmes that have an impact on women — including laws on maternity leave law, pay equity, minimum wage, the National Housing Trust, and amendments to the inheritance laws²⁹.

27 CIWiL and UN Women study

28 18,900 women versus 12,600 men

29 idem

The OAS observation mission to the 2007 general elections noted that while many women were actively involved in promotion, advertising, and other election-related activities, there were few female candidates. One of the mission's recommendations was the following:

“Political parties should actively consider and pursue mechanisms to recruit, train and finance women to be candidates for public office. Disaggregating electoral data to establish the numbers of women and youth voters and electoral officials would be a useful step in quantifying relative participation rates and considering which groups are under-represented at different stages of the electoral process and why. The technology of the voter registry has already captured this information and it should be easy to obtain, analyze and publicize it.”³⁰

The OAS observation mission of 2011 again noted that there were relatively few women running for political office:

“Throughout the country, the OAS observers noticed that a majority of those working the polls were women. However, the number of women running for office, and particularly those who won seats, fell significantly low. Although the election of Ms. Portia Simpson-Miller as Prime Minister is an important advancement, every effort should be made to encourage women to become more active in political parties and run for office, and it is the key to urge party leaders, to include a greater number of women as candidates in their parties.”³¹

Data from several studies indicate that women often have numerical superiority in party membership, often working as campaigners, field workers, and election workers in most Caribbean countries. However, this activity rarely transforms into gender equality in party leadership. And while there is often mention of women's participation by political parties, no plan of action or national movement by political leaders of either Jamaican party in power has been put forward. Once elections are over, it would seem that 'Business As Usual' (BAU) is normally declared, with gender inequity continuing to go unaddressed.³²

In the last elections (December 2011), the following political parties contended:

- People's National Party (headed by Portia Simpson-Miller since 2006)
- Jamaica Labour Party
- National Democratic Movement

30 OAS, 2007, p.18

31 OAS, 2011, p.37

32 CIWIL and UN Women study, p.16

- Marcus Garvey People's Progressive Party
- Independents
- Jamaica Alliance Movement

During the elections, the Jamaica Labour Party nominated 13 women on a list of 63 candidates (20.6%), and the People's National Party nominated 6 women on a list of 63 candidates (9.5%) (Table 10). More female candidates would have been expected in the case of the People's National Party, with a powerful woman heading the party, who became the first female Prime Minister of the country. However, it is noteworthy that 5 of the 6 women candidates nominated by PNP won seats, while only 3 of the 13 women candidates nominated by JLP managed to win. This may be partially due to the fact that many of the JLP women candidates were running for the first time, and were less experienced than the women nominated by the PNP. Moreover, the 2011 general elections were a landslide victory for the PNP, who won 42 seats versus the 21 seats won by the governing JLP, which had promised to field a record number of women³³ on its lists.

Table 10: Numbers and percentages of women candidates in House of Representatives after last elections (2011)³⁴

Political party	Seats held in House	Number and % of women in House	Number of candidates on lists of political parties	Number and % of women candidates
PNP	42	5 (11.9%)	63	6 (9.5%)
JLP	21	3 (14.3%)	63	13 (20.6%)
Total	63	8 (12.7%)	126	18 (14.3%)

Sources: Bureau of Women's Affairs, Jamaica Senate

Prioritization of Gender Issues in Parliament

Once elected, parliamentarians are generally expected to observe party discipline. The more experienced party members, or the party leaders and ministers who are parliamentarians, are generally the ones who speak on important issues; the younger and less powerful party members are expected to concur. Inexperienced

33 http://www.caribbean360.com/index.php/news/jamaica_news/515350.html#axzz2r8YGGg46, accessed on 16 Jan 2014

34 The parties that did not win seats in the last elections are not included in the table. However, one of these, the National Democratic Movement, nominated 3 women on a list of 7 candidates (42.9%). This is a small party that came into being as a split-off from the JLP in 1995.

parliamentarians who enter parliament after general elections (newly elected women parliamentarians usually fall in this category) do not have the power to bring change, or lobby for bills and legislative amendments that may be controversial or difficult to pass — like most bills that deal with gender equality. The only way in which inter-party alliances or working structures can be built is with the assistance or initiative of the more powerful parliamentarians.

The Senate and House of Representatives have three main types of committees:

- **Standing Finance Committee:** a committee of the Whole House that deliberates on the annual budget and any other matter related to expenditures.
- **Sessional Select Committee:** committees that are not permanent, but are established for an entire session of parliament. These committees deal with regulatory functions for parliament itself, or are oversight committees.
- **Special Select Committees:** ad-hoc committees that are set up to consider and report on specific matters.

Temporary select committees are established at the start of each session of parliament, comprised of not less than six members and should reflect as far as possible the balance of parties in the House. If matters on the same subject are to be considered by both the Senate and the House, a Joint Select Committee is usually set up that consists of members from both Houses. Neither the Senate nor the House of Representatives has a committee that deals specifically with gender or human rights.

According to the Standing Orders of the House of Representatives and the Senate of Jamaica, any member may introduce a bill, provided he or she has given notice thereof and has obtained leave (leave of the House or Senate is not necessary when a bill is introduced on behalf of the Government). Important legislation and amendments are usually initiated by government parliamentarians who are either cabinet ministers or are influential and experienced parliamentarians. So-called ‘backbenchers’ and members of the opposition can initiate legislation, but this is not a common practice in Jamaica.

Women in parliamentary committees

The Senate currently has four committees (Table 11). Within them the percentage of women’s representation appears high due to their small size (6-7 members). However, none of the Senate committees is chaired by a woman. Two of the committees (Privileges Committee and Regulations Committee) surpass the minimum of 30% women’s participation, while the Standing Orders Committee is fairly close to this minimum. The Senate Committee has only one woman member.

Table 11: Percentage of women on committees of the Senate and committee chairs (2013)

Name of Committee	Chair	Total number of members	Number and percentage of women
Standing Orders	M	7	2 (28.6%)
Senate Committee	M	6	1 (16.7%)
Privileges Committee	M	7	3 (42.9%)
Regulations Committee	M	6	2 (33.3%)

Source: Parliament of Jamaica

The House of Representatives currently has fourteen committees (Table 12)³⁵. Four of them have no women members. Taking into account that there are only eight women parliamentarians — including the Prime Minister, two ministers and the state minister — this in fact leaves only four full-time parliamentarians. It is obvious that not all committees can have sufficiently high percentages of women. Women's average representation in all parliamentary committees combined is a mere 10.3 percent, which, given the low number of women in parliament at present, is not surprising. However, there is no clear explanation of why none of the parliamentary committees is chaired by a woman.

Table 12: Percentage of women on committees of House of Representatives and committee chairs (2013)

Name of Committee	Chair	Total number of members	Number and percentage of women
Standing Orders	M	11	2 (18.2%)
House Committee	M	8	0 (0%)
Privileges Committee	M	10	0 (0%)
Regulations Committee	M	8	1 (12.5%)
Public Accounts Committee	M	13	1 (7.7%)
Public Administration and Appropriations Committee	M	17	2 (11.8%)
Internal and External Affairs Committee	M	11	1 (9.1%)
Economy and Production Committee	M	13	1 (7.7%)
Human Resource and Social Development Committee	M	11	4 (36.4%)
Infrastructure and Physical Development Committee	M	11	0 (0%)
Constituency Boundaries Committee	M	7	0 (0%)
Ethics Committee	M	7	1 (14.3%)
Constituency Development Fund (CDF)	M	9	2 (22.2%)
Green Paper No. 1 of 2012 Titled "Tax Reform for Jamaica "	M	10	0 (0%)

Source: Parliament of Jamaica³⁶

35 Committees listed on website of the Jamaican Parliament http://www.japarliament.gov.jm/index.php?option=com_content&view=article&id=291&Itemid=39, accessed on 9 December 2013

36 http://www.japarliament.gov.jm/index.php?option=com_content&view=article&id=291&Itemid=40, accessed on 3 December 2013

It is also important to review the type of committees in which women are mainly represented to see whether there is a traditional division of labour in parliament. The Skard and Haavio-Mannila method distinguishes three types of committees: reproduction, production and preservation of system.³⁷ Using this method to categorize the committees of Jamaica’s House of Representatives, it is evident that women are relatively overrepresented in the reproduction category at 18.4%, versus the production category at 8.2%, and the preservation of system category at 6.4%. Added to the fact that no women chair any of the fourteen committees, we can only assume that similar to other parliamentary committee systems, factors such as seniority, political party power, and decision-making leadership play a role in determining where women end up in committees.

Table 13: Classification of committees in House of Representatives according to Skard and Haavio-Manilla categories, with numbers of women and men on committees

Skard and Haavio-Manilla categories	Number of committees	Total number of members	Number of women members
Reproduction	4	38	7
Production	5	61	5
Preservation of system	5	47	3

Source: Parliament of Jamaica

In the present parliament, gender equality is subsumed under the select committee for Human Resource and Social Development. This committee’s composition is seven men (63.6%) and four women (36.4%) and is chaired by Mr. Rudyard Spencer. The Human Resource and Social Development Committee is the only committee that surpasses the 30% minimum that the national gender policy aspires to. Since the percentage of women parliamentarians has been more or less the same throughout the years, it is assumed that a similar low participation of women will also have been evident in past parliamentary committees.

³⁷ Reproduction: social policy, family, health, education, housing, environmental, culture, etc. Production: economic and fiscal policy, labor, industry and energy, etc. Preservation of the system: political and administrative reform, foreign and defense policy, support to interest groups and minorities, etc.

Building capacity for promoting gender equality

The *Inter-Parliamentary Union (IPU)* has developed a Plan of Action for Gender-Sensitive Parliaments³⁸ that provides a broad range of strategies in seven action areas:

- Increasing the number of women in parliament and achieve equality in participation
- Strengthening gender equality legislation and policy
- Mainstreaming gender equality throughout all parliamentary work
- Instituting or improving gender-sensitive infrastructure and parliamentary culture
- Ensuring that responsibility for gender equality is shared by all parliamentarians — men and women alike
- Encouraging political parties to be champions of gender equality
- Enhancing the gender sensitivity of, and gender equality among, parliamentary staff

According to the IPU, “a gender-sensitive parliament responds to the needs and interests of both men and women in its structures, operations, methods and work”³⁹. It called upon the Parliaments to implement the Plan of Action at the national level by setting concrete objectives, actions, and deadlines suited to their national context, and to regularly monitor and evaluate their progress towards the goal of gender sensitivity.

Jamaica’s Parliament has not yet discussed or mentioned the IPU’s resolution to develop a gender plan for their institution. Nor have actions been taken so far towards building a gender-sensitive institution. There is no apparent structural approach to address gender equality through parliamentary committees, despite their strong mandate to interact with cabinet, citizens, communities, and others.

Gender Responsive Budgeting

Another way to hold parliaments and government accountable for gender equality is through gender responsive budgeting. According to UN Women⁴⁰, gender-responsive budgeting (GRB) is “government planning, programming and budgeting that contributes to the advancement of gender equality and the fulfilment of women’s rights. It entails identifying and reflecting needed interventions to address gender gaps in sector and local government policies, plans and budgets. GRB also aims to

38 The Plan of Action is adopted by the 127th IPU Assembly in Quebec, Canada, in October 2012. It is designed to support parliaments to become more gender-sensitive.

39 IPU Plan of Action for Gender-Sensitive Parliaments, p.10

40 <http://www.gender-budgets.org/>, accessed on 20 January 2014

analyse the gender-differentiated impact of revenue-raising policies and the allocation of domestic resources and Official Development Assistance.”

Although gender-responsive budgeting leads to greater public transparency and to economic policies with more benefits for the community, none of the CARICOM countries has implemented it, in spite of the advocacy in the Caribbean by UN Women and other UN agencies to demonstrate its relevance to the Millennium Development Goals, aid effectiveness, public sector reform, and financing for development.

Throughout the years, there have been a number of initiatives to introduce GRB in Jamaica. In early 2013, the *Women’s Resource Outreach Centre (WROC)* offered a two-month training “Economic Literacy and Gender Budget Analysis Training Course for Civil Society,” to 30 persons with support from UN Women, Friedrich Ebert Stiftung (FES), 51% Coalition, and the Public Broadcasting Corporation of Jamaica (PBCJ). Although the focus was on civil society organisations, it was an effective way to call legislators’ attention to gender-sensitive budgeting.

In 2009, the NGO Women’s Resource and Outreach Centre (WROC) conducted a workshop called *Strengthening Women’s Leadership in Jamaica* that was specifically geared towards growing, improving, and consolidating the presence and influence of women who serve on boards and commissions in Jamaica. This workshop was a collaborative initiative with the Institute of Gender and Development Studies, the Jamaica Women’s Political Caucus, and the corporate governance committee of the Private Sector Organization of Jamaica. Ninety-three women who were nominated for appointment to public and private sector boards and commissions (including school boards) attended the training. In addition, WROC set up (and has maintained) a database of professional women who are equipped to serve on boards. Whether these women belong to political parties is not clear, but a follow-up activity to monitor how many have been placed on boards (and how they are functioning) would be a good lesson learned for future training and coaching of women politicians.

Accountability for Gender Equality

It is important that parliamentarians have a good understanding of legislation that needs to be made or amended if human rights and gender equality issues are to be addressed. Direct citizen involvement is one of the most effective means to exact transparency and accountability from public officials. Bearing this in mind, Jamaica has introduced a number of mechanisms and taken measures to improve accountability of public officials in both government and parliament, such as:

- The introduction of the Consultation Code of Practice for the Public Service, which requires public consultation for all policies being developed.
- The development of a Comprehensive Sustainability Assessment Policy (CSAP) to improve responsiveness of public policies to the needs of the public.
- The reformation of Parliament to enhance its representativeness and accountability by strengthening its capacity to oversee governance and accountability systems and to ensure that it has the requisite capacity to deliver on its responsibilities.
- Further decentralization of functions to local government to bring decision-making processes closer to citizens, and capacity building at local levels to ensure that local bodies are fully equipped to perform their assigned responsibilities.

In regards to accountability for gender equity, public consultations have made it possible for the general public and civil society organisations like the *Association of Women's Organisations in Jamaica (AWOJA)* to table gender equality issues. These civil society organizations were involved in the widespread participatory process to formulate Vision 2030, Jamaica's development plan. However, they noted that the difficulty in acquiring financial resources will be an impediment for them to properly implement the actions needed to reach the goals set out in the development framework.

Initiatives for capacity strengthening of parliamentarians are often outside parliament, and the training provided usually not only includes parliamentarians, but public servants as well. In a country like Jamaica, legislative initiatives usually come from government ministers who are parliamentarians, after preparatory work is done by the relevant government agencies or officials, and very often under pressure from civil society groups. In terms of gender equity, this spillover of public servant initiatives into the legislature, can be seen in the *Bureau of Women's Affairs (BWA)* which ensures that training workshops for women in politics continue to focus on gender/women's issues, political and financial issues, public speaking — and in particular, how political parties facilitate or hinder women's full and equal participation in the political process.

While the use of Internet and social media is new for most parliamentarians, attempts are still being made to capture these relatively new forms of communication for the purposes of increasing accountability. The Ministry of Local Government & Community Development provides information on local government and local councils (<http://www.localgovjamaica.gov.jm/>), although the information is not as comprehensive as the information on the parliament's website.

There is also a website that covers both the Senate and the House of Representatives.

The website (<http://www.japarliament.gov.jm/>) provides the following information, among other things:

- The schedule of meetings, issued on the website each Friday before sittings
- Parliamentary documents, which are scanned and archived and are available electronically
- All acts passed by parliament since 2009
- Webcasts made in collaboration with the Government Information Service
- Minutes and documents being tabled,
- Names of all senators and parliamentarians, and their constituencies

Progress in the work of parliament can be monitored by accessing the website or making direct contact through e-mail or by telephone. All of these accountability initiatives have the potential to be harnessed by civil society to ensure that political parties are working to increase women's participation in politics, and to advance gender equity.

Gender Equality Advances on Legislation: A Review of Topics

To date, the Government of Jamaica has signed or ratified the following conventions, agreements, and action plans:

- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW 1981) (Optional Protocol not yet signed)
- The Nairobi World Conference on the Forward Looking Strategies for the Advancement of Women (1985)
- The Cairo Programme of Action (ICPA) (1994)
- The Beijing Platform for Action (1995)
- The Millennium Development Goals (MDGs) (2000-2015)
- Ten Year Review of the Beijing Platform for Action (Beijing+10)
- The Commonwealth Plan of Action for Gender Equality (2005-2015)
- The CARICOM Plan of Action (2005)
- The Belem do Para Convention (2005)

Jamaica has also committed itself to undertake a series of measures to end discrimination against women in all forms, including:

- Incorporating the principle of equality of men and women in their legal system, abolishing all discriminatory laws, and adopting appropriate ones prohibiting discrimination against women;
- Establishing tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- Ensuring the elimination of all acts of discrimination against women by persons, organizations or enterprises.

With the ratification of human rights conventions, Jamaica should be amending its national legislation to meet their requirements when necessary. In its national policy statement on women⁴¹, the Government also promised to support improved pay and conditions of employment in existing and new jobs that are of particular benefit to women. The 2011 National Gender Policy, in its appendix 7, includes recommendations for legislative enactment or amendment that were gathered during national consultations. One of the results of the national consultations was the passing by parliament of the Charter of Fundamental Rights and Freedoms in 2011, an umbrella law that bars discrimination on the basis of gender.

Below is a list of issues that affect women in Jamaica, along with any legislative action that has been taken to date in their regard:

- **Human trafficking:** Jamaica passed the Trafficking Act of Jamaica in 2007.
- **LGBT rights:** Same sex sexual activity is legal for women in Jamaica, but illegal for men. There are no anti-discrimination laws with respect to sexual orientation, and same sex unions, marriages, and adoption are not recognized.
- **Sexual reproductive rights**⁴²: The legal age of consent to sex is 16, but the legal age of majority is 18. Below the age of majority, the law requires parental consent for medical treatment, which effectively restricts access to contraception and other aspects of SRH care.
- **Abortion** is *per se* not an offence in law. However, crimes relating to abortion are dealt with in the Offences against the Person Act. Sections 72 and 73 of the Act make it unlawful and an offence to attempt to obtain an abortion. However, since 1975, the Ministerial Statement of Policy on Abortion has been in effect, which permits abortions to be performed at government clinics, public health facilities, and by private doctors. Abortion requires the recommendation of 2 doctors, based on their opinion that the woman is, or will be physically or mentally at risk. It also makes abortion available to women (whatever their age) who become pregnant as a result of rape, carnal abuse or incest on the production of documentary evidence of the crime that caused the pregnancy. The Ministerial Policy also enables a pregnant teenager, under the age of 17 years, to obtain an abortion, if she is accompanied by a parent and produces her birth certificate to prove her age.

41 <http://bwa-jamaica.gov.jm/documents/national-policy-statement-on-women>

42 Allen, Caroline, Situation Analysis of Adolescent Sexual and Reproductive Health and HIV in the Caribbean, PAHO, 2013

- **Gender-based violence:** Domestic violence, sexual violence, and sexual harassment are covered by the Jamaica Domestic Violence Act of 1995, the Sexual Offences Act of 2009, and the Child Pornography (Prevention) Act of 2009.
- **Maternity Leave:** The 1979 Maternity Leave Act is being reviewed. At present, 8 weeks of maternity leave are completely covered by the employer. For domestic workers, there is special regulation by which the social security system covers maternity leave for a full 12 weeks.

Jamaica has ratified 29 ILO Conventions. Of them, 26 are in force, three Conventions have been denounced; and none have been ratified in the past 12 months. It has not ratified the following conventions, which are of particular interest to women:

- Maternity Protection Convention (No. 183)
- Night Work Convention (No. 171)
- Underground Work (Women) Convention (No. 45)
- Workers with Family Responsibilities Convention (No. 156)
- Indigenous and Tribal Peoples Convention (No. 169)

However, the following ILO conventions, which are also of particular interest to women, were ratified:

- Equal Remuneration Convention (No. 100)
- Discrimination (Employment and Occupation) Convention (No. 111)

Jamaica's legislative body has also passed or amended several other legislative products that address gender equality themes (Table 14). However, several others that require review or amendment (as identified by the National Policy on Gender Equality⁴³) have not yet been addressed.

⁴³ Bureau of Women's Affairs, p.26

Table 14: Legislative products with gender equality themes (since 1996)

Name of legislative product	Short description	Year of passing
Act to Amend the Jamaican Constitution	Bars discrimination on the basis of one's sex	2002
Pensions Act	Provides for the grant and regulating of pensions, gratuities and other allowances to both men and women	2003
Property Rights of Spouses Act	Introduced new statutory rules to provide for the equitable division of assets between spouses upon marriage or common-law relationship breakdown	2004
Domestic Violence Act 1996	Provides for redress and protection to women affected by domestic violence	2004 (amendment)
Married Women's Property Act	Amendment to make married women capable of acquiring, holding and disposing of, any property; and rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation; and of suing and being sued	2004
Matrimonial Causes Act	Repeals the Divorce Act and makes new provisions for dissolution of marriage and other matrimonial causes, giving both partners equal rights to apply	2005
Maintenance Act	Replaces the old Act and makes comprehensive provisions for maintenance within the family. It confers equal rights and obligations on spouses with respect to the support of each other and their children.	2005
Sexual Offences Act	Covers amendments to the Incest Punishment Act and the Offences against the Person Act to; makes new provisions for prosecution of rape and other sexual offences; provides for establishment of a Sex Offender Registry and connected matters	2009
Child Pornography Prevention Act	Criminalizes production, possession and distribution of child pornography. This legislation made it a criminal act to view or download child pornography from the Internet and is expected to reduce the incidence of child abuse and sexual violence against children.	2009
National Insurance (Validation and Amendment) Act, 2011.	Amends the National Insurance Act and various Regulations to, inter alia, unify retirement age for men and women by 2015	2011
Charter of Fundamental Rights and Freedoms	Bars discrimination on the basis of gender	2011
Maternity Leave Act (1979)	Provides for the right of female workers to be granted maternity leave (a total of twelve weeks) by their employers and to be paid maternity pay 1979. No paternity leave included. Reading for amendment to remove possible forms of discrimination against pregnant women	
Offences against the Person Act (1864)	Amendment proposed to include spousal rape as a crime, as part of protection against domestic violence	

Source: Ministry of Justice of Jamaica ⁴⁴

In the course of the 2011 National Gender Policy consultations, requests were made regarding the presentation of the following issues to parliament:

- Passing of the amendment legislation on equal pay for equal work and enforcing provisions.
- Provisions of the ILO decent work agenda should extend beyond workers in the formal sector to include workers in the informal sector who are predominately female and who need to have access to instruments of social

44 <http://moj.gov.jm/>

security such as health and life insurance and job benefits and the role of trade unions in this regard.

- Amend legislation relating to age of consent to ensure application to underage boys and so protect them from sexual predators (females and males).
- Take measures to eliminate stigma and discrimination directed at disabled women and girls in relation to issues of sexual and reproductive health and rights particularly by healthcare professionals and the wider public.

However, legislative reform alone will not achieve gender equality. The interpretation of law tends to be rooted in custom, tradition, religion, ideology, and beliefs about what the roles of men and women should be in society. With low percentages of women in parliament and cabinet, legislative reforms and societal change to bring about gender equality will most likely remain slow. According to National Policy on Gender Equality (NPGE)⁴⁵:

“Jamaica’s progress in law reform remains slow as it is directly related to changing the legal status of women compared to men and vice versa. Century-old statutes tainted by traditional concepts of the place, abilities, and potential of women and men remain in the law. The intention is to bring gender neutrality to the laws, regarding legal protection from sexual violence and exploitation, and to remove from the law the perpetuation of gender stereotypes and discrimination.”

Public Policies on Gender Equality and the Role of the Gender Bureaus

Jamaica’s national gender policy declares that the government, in keeping with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), can adopt temporary special measures to accelerate equality between men and women. However, as is recognized by the government on the website for the Bureau of Women’s Affairs⁴⁶, while women’s full participation in the economic and social development of the country is needed, women are hampered in developing their full potential.

To remedy this, the national gender policy uses a gender mainstreaming method that promotes a multi-sectoral approach to fully integrate gender in every area of national activity. It seeks equal treatment for women and men through equal visibility, equal opportunities, equal access to all resources, and equal participation in all areas of public and private life. It also aims at the integration of a gender perspective in all national

⁴⁵ The NPGE is an integral part of the government’s National Development Vision 2030, p. 14

⁴⁶ <http://www.bwa-jamaica.gov.jm/documents/national-policy-statement-on-women>, accessed on 12 Dec 2013

plans, programmes, and legislation as a fully binding initiative and commitment. The gender sector plan provides a detailed analysis of the strengths, weaknesses, opportunities, and threats in regard to gender equality, and has formulated an action plan with measurable indicators. Five outcomes have been formulated:⁴⁷

- Socio-economic, political, legal, and institutional environments and arrangements facilitate and promote gender equity
- Women’s unpaid labour is valued and rewarded
- The judicial system is free from gender biases, and the reproductive health and rights of men and women are fully protected
- Appropriate policy frameworks ensure that gender inequalities are mitigated
- Governance structures and processes reflect gender equity in representation and decision-making

A 15-member gender advisory committee⁴⁸ was established by government to oversee the national gender policy and assist government in achieving gender equality. While the committee does not have a direct link with parliament, its members include cabinet ministers in the House and the Senate — who should ensure that government policies find their way into parliamentary activity, which includes the necessary budget approvals and initiatives to be taken for amendment of legislation. This ability of ministers to introduce budgetary approval is important, as it allows for gender responsive budgeting, one of the main strategies included in the national gender policy (NPGP).

In regards to government organs directly focused on gender, the Bureau of Women’s Affairs (BWA)⁴⁹ serves to act as a catalyst to ensure that the problems confronting women are effectively addressed. This bureau falls under the responsibility of the Prime Minister’s office, and works with the Statistical Institute of Jamaica (STATIN), the Planning Institute of Jamaica (PIOJ), and other statistical and planning units to develop the use of sex-disaggregated data and gender-sensitive indicators, and to carry out gender impact analyses, policy, planning, and monitoring and evaluation. The BWA works with civil society and women’s organizations to offer gender awareness training to public service employees, elected officials, ministers, and permanent secretaries to increase gender sensitivity and build capacity in gender analysis and planning. However, information is currently not available on progress

47 Bureau of Women’s Affairs, p. 70

48 The membership of the Gender Advisory Council are drawn from government departments like the Bureau of Gender Affairs, the Ministry of Foreign Affairs and the Attorney Generals’ Department; non-government organizations like the network AWOJA, Fathers’ Inc., faith-based organizations, community-based organizations; the private sector; the Jamaica Employers Federation; political parties; youth; the Institute for Gender and Development Studies of the UWI at Mona; and the Social Development Commission.

49 <http://www.bwa-jamaica.gov.jm/about-us>

or monitoring reports that might provide insight into what has already been done to increase women’s political participation and representation.

The national gender policy has remarked on the lack of proportional representation of women in parliament, and has stated that affirmative action (such as the requirement of a 30% quota of women to be appointed to the Senate and other public bodies) may be needed to address this issue. Jamaica’s NGO shadow report to CEDAW has even recommended that more aggressive affirmative action be taken, and that a 40% representation of women in politics and decision-making positions is needed to ensure that gender equity is effectively addressed.

The budget for gender policy comes under the office of the Prime Minister. A review of the total recurrent budget for the Prime Minister’s office and allocations for women’s welfare (Table 15) reveals an upward trend in gender-focused budget allocations.

Table 15: Office of the Jamaica Prime Minister recurrent budget, 2012-2013 (in Jam\$’000)

	Estimate 2013-2014	Revised Estimates 2012-2013	Revised Estimates 2011-2012
Prime Minister’s Budget	1,710,957	1,531,620	1,991,651
Bureau of Women’s Affairs	54,503	49,317	11,196
Grant to Women’s Centre	134,481	128,711	30,709
Other grants	2,500	6,350	--
Total budget for Women’s Welfare	191,484	184,378	41,905
Estimate of Budget for Women’s Welfare as a Percentage of the Prime Minister’s Budget	11.2%	12.0%	2.1%

Sources: Office of the Prime Minister; www.jamaica-gleaner.com

Women as Agents of Change for Gender Equality

Increasing numbers of women are being appointed to government positions, and development plans usually include paragraphs or entire chapters on how gender equality could be attained. However, these plans have not always resulted in changes in attitude or more just political systems.

In addition to the public sector, women are becoming increasingly visible in the private sector as well —, although at a much slower rate. The *Women's Research and Outreach Centre (WROC)* published the study *Implications for the Participation of Women on Boards and Commissions in Jamaica* in 2008. This study investigated women's participation in state and private Boards of Directors and Commissions, and the extent to which Jamaica has implemented measures in fulfillment of the international agreements covering women in decision-making. The study found, among other things that 33% of public boards and 16% of private boards were comprised of women — although women continue to be markedly absent from boards in traditionally male-dominated fields such as transportation, economic development, and financial management (Table 16).

Table 16: Women's participation in governing boards (public and private sector, and trade unions)

Type of organisation	Total members	Women	Men	% women
Public sector	212	69	153	33%
Private sector	69	11	58	16%
Trade unions	10	3	7	30%
Total	291	83	208	29%

Source: CEDAW 2012 NGO Alternative Report Jamaica

Jamaica has played an important role in the Caribbean in research and studies on women and gender through the *Institute of Gender and Development Studies (IGDS)* of the University of the West Indies at Mona Campus, with sister institutions in Barbados and Trinidad and Tobago. These institutions have been indispensable in providing expert support and well-trained young people who have been placed in government service to carry out gender analyses and help to formulate gender-sensitive development plans. These institutions and their individual researchers form a part of networks that promote gender equality and lobby governments and parliament. For example, in Jamaica the Institute of Gender and Development Studies also belongs to the alliance of *51% Coalition: Women in Partnership for Development and Empowerment through Equity*, which is currently advocating for the introduction of a quota system in the country.

Political women and the promotion of women's issues

In Jamaica, it is not clear whether (or how) influential women in politics advocate for women and women's issues. Sometimes, they are prevented from collaborating

across party lines on gender equality issues because of party discipline, or even fear of being perceived as feminists or women rights advocates. In other cases, they may have obtained their influence and power position for advocating for other relevant issues (such as indigenous rights, green development, or economic change), and therefore have another agenda that takes priority over the women's agenda. Also, one should bear in mind that being women does not necessarily indicate gender sensitivity.

Women's movements

In Jamaica, women have traditionally been considered the backbone of the family and are given the main responsibility for raising children. Yet at the same time large numbers of these women were also breadwinners despite not having the same legal advantages as men. According to Rhoda Reddock, a professor of gender and development studies at the University of the West Indies⁵⁰, women in the Caribbean during the late 19th and early 20th centuries were active in religious and social organizations due to their perception as “legitimate spaces in which women can freely participate outside of the home, without the question or need for justification to spouse or family”. These organisations were the main mechanism for transferring Western European values of women's place in society, for determining the post-emancipation sexual division of labour, and for ordering the social and domestic organisation of communities.

In the nineteen seventies, eighties, and nineties, leading feminists in Jamaica and the rest of CARICOM were active in debating the rights of women and girls in passionate and intellectual terms at every UN gathering. The activism of the women's movement in Jamaica was furthermore fed by strong feelings of nationalism and the general economic situation of the time. The women's movement pushed for legislative reforms aimed at gender equality, and still considers the passing of the maternity leave act in 1979 as a monumental achievement in their fight for women's rights. The women's organizations that were established in those days focused on advancing women's rights, the health and wellness of women and their families, capacity building of women, and advocating for women's leadership.

Women's organisations also played an indispensable role after the Beijing Women's Conference, lobbying for gender policies and plans of action, and in supporting the establishment of women's machineries that would bring about a transformation in development. They have also played an important role providing training for

⁵⁰ Reddock, 1998.

parliamentarians, members of the judiciary, and the police force while they were advocating for legislation to be passed for domestic violence and sexual harassment.

Networks and Caucuses: Women Working Together

Jamaica's parliament does not have an intra-parliamentary caucus, nor is there a formal dialogue between parliament and civil society on gender equality issues.

In regards to extra-parliamentary caucuses, the *Jamaica Women's Political Caucus (JWPC)* has played an important role in supporting women politicians. Established in 1992 with the aim to encourage and facilitate women's participation in politics at the highest level, the JWPC carries out a number of activities to advocate for increasing the number of women in power and decision-making positions. Examples of JWPC activities include awareness campaigns to highlight the importance of women's full and equal participation in leadership positions at all levels, and the annual Madame Rose Leon Memorial Lecture held during International Women's Week, which encourages young women to consider politics as a career path. It also offers training sessions and workshops for women who are interested in politics, and has set up a fund that pays nomination fees for all female candidates.⁵¹ In July 2013, at a function to honour 21 women for their work for the JWPC, Prime Minister Portia Simpson complimented the JWPC and mentioned that it had never deviated from its vision of providing support for women to participate equally at the highest levels of decision-making.

It is possible that lack of funding may have impeded the work of the caucus in recent years. If that is the case, a discussion with the caucus on how to make training and funding for women candidates more sustainable may be valuable. It is also possible that, despite the support provided to women candidates; they do not manage to gain sufficient influence and power within their own political parties to be placed on so-called 'feasible positions' on candidates' lists. If this is the case, the strategy to support women politicians might need to change to focus more on political parties.

⁵¹ In 1997, the fund paid nomination fees for 32 women. In 2002, the number of fees paid tripled. Rapporteurs' Report May 27th –30th, 2003 of Caribbean Conference.

The *51% Coalition: Women in Partnership for Development and Empowerment through Equity*⁵² is an alliance of 11 partner organizations founded in November 2011 with the aim to correct the inequality in women's participation in political activities and decision-making. The Coalition has campaigned to increase the participation of women in politics and on boards through a 60/40 quota system that would create an immediate target of at least 40% representation by women on Government Boards and in the Senate. Within its first year of active service, the coalition implemented projects in the areas of public education and advocacy on quotas, public sensitization sessions with women appointed to boards and/or targeted for leadership, training for women on boards and committees to promote a gender agenda for equality, research on the numbers of women and men on public and private sector boards and committees, and consultations with political parties and their representatives regarding the way forward toward gender equality in decision-making.

The *51% Coalition* has taken on the challenge of lobbying and advocating for more women in the private sector as well. The coalition is an interesting organization, as it not only brings together individuals and organizations, but also women from public organizations, the private sector, and academia — all of whom possess extensive experience on women's rights and gender equality issues in Jamaica, have worked on policy and legislation in the past, and have the power to influence policymaking and the media.

Moving forward, consultations with political parties in order to affect change within political institutions will present a unique challenge. However, such engagement is indispensable in the process of placing more women on candidates' lists at both the national and sub-national levels. While individual women have managed to move up in the ranks, their numbers have been too small, and their position and influence within party structures is insufficient push for women's issues or move the agenda on women's representation forward. A more strategic approach is required that would include gender sensitization efforts that target powerful and influential persons who have a say within the political parties, or who are prospective candidates for nomination and appointment in public boards. In addition, sensitization, training, and coaching of new women politicians would bear fruits for future elections.

52 The 51% coalition is an alliance of the Association of Women's Organisations in Jamaica, the Institute of Gender & Development Studies-Mona & Regional Unit, Jamaica Women's Political Caucus, the Friedrich Ebert Stiftung (FES), Panos Caribbean, Sistren Theatre Collective, Women's Resource & Outreach Centre, Women Business Owners, Women's Media Watch, and the Young Women's Leadership Initiative.

Summary of Main Findings

In Jamaica, voter turnout has been decreasing at both national and local levels. Over the last ten years, turnout has fallen from 59.06% in 2002 to 53.17% in 2011. In the local election of 2012, the participation was the lowest ever (34.7%). Reasons given for the low turnout include the frustration of the electorate, voters believing they had already performed their civic duty by casting their vote the year before at the national elections, a lack of funds for campaigning, and the fact that councilors are voluntary workers who only receive an allowance.

The Electoral Commission of Jamaica (ECJ), established in 2006, is the authority that organizes and oversees elections in Jamaica, and reports directly to parliament. **At present, the first woman was appointed to chair the ECJ and 2 of the 8 commissioners are women (25%).**

In Jamaica there is an inherent problem in analyzing women's representation, because of the 'double presence' in parliament and cabinet. The political system requires that all ministers must be parliamentarians.

Jamaica does not have a quota system; however its national gender policy has laid down a desired target of 30% women in decision-making positions.

Women now make up 20% of cabinet ministers, senators, and mayors. If this trend continues, the 30% threshold could be reached in the so-called 'appointed categories' after the next elections in 2016.

The number of women appointed to posts such as the Senate is growing faster than the number of women elected. Nearly 28% of the senate is comprised of women, while they comprise only 12.7% of the House of Representatives. One reason suggested for this phenomenon is that political parties are not nominating sufficient women to candidates' lists, or are not sufficiently promoting or training them within the party structures. Another possibility may be the general public (the electorate) does not yet wholeheartedly accept women as legislators and/or in decision-makers, which reflects impact of patriarchy and sexism in the country.

The law and the legal environment in the Jamaican judicial system is itself characterized by gender inequality. Because of this, incidents of sexual harassment, abuse, rape, and incest are frequently treated lightly and not as serious offences.

Statistics show that the number of women who run for sub-national level elections has increased, but still remains a low percentage of women who actually gain positions. This may be attributable to the high cost of campaigning, and the lack of political experience and exposure of first-time candidates.

Jamaica has a small Maroon community of some 2,000 persons, however there is **the Maroon Indigenous Women's Circle (MIWC) established in 2009, has a gender equality agenda**, while some individual women have political ties and was nominated as candidates in the last two elections.

One of the major aims of Jamaica's national gender policy is to encourage women's political participation and representation, and to increase the number of women who vote in all elections and who are eligible for election to all public bodies.

Recommendations

1. National gender policy and NGOs state that affirmative action is needed to address the lack of proportional representation of women in parliament, such as a quota requiring 30% of appointed positions (e.g., the Senate) be comprised of women. Jamaica's NGO shadow report to CEDAW recommended that affirmative action be taken to increase the level of women's participation in politics and decision making to 40%.
2. Political parties need to actively promote equal representation and participation of women in their leading bodies in order to enable women to contribute meaningfully to political processes. Parties should consider and pursue mechanisms to recruit, train, and finance women to be candidates for public office.
3. The disaggregation of electoral data is also recommended to establish the numbers of women and youth voters and electoral officials. This would be a useful step in quantifying relative participation rates and determining which groups are underrepresented at different stages of the electoral process and why.
4. More in-depth studies are needed to understand the reasons for the limited success of women in political competition at the local and national levels.
5. Implementing awareness-raising activities for gender parity in political participation and in decision-making positions is also recommended.

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