

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



GOAL 16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Context

Goal 16 of the SDG is aligned to Goal 2 of the Vision 2030 Jamaica—National Development Plan states that the Jamaican society is safe, cohesive and just. The achievement of this goal continued to be a major focus for the GOJ. During the period FY2018/19 – 2020/21 the ministries of National Security and Justice were allocated approximately \$300 billion to undertake various activities aimed at improving safety and access to justice. There were some gains made during the reporting period mainly between 2018 and 2019 however, the onset of the COVID-19 pandemic impacted the continued implementation of several initiatives as operational changes were implemented in keeping with the measures that were instituted to manage the spread of the coronavirus.

The review for the period 2018–2022 summarizes key achievements, issues and challenges concerning peace, justice and strong institutions.

Peace, Justice and Strong Institutions Highlights 2018-2022



Violence against Children

National Plan of Action for an Integrated Response to Children and Violence launched in 2019.

FIGURE 87 HIGHLIGHTS, PEACE, JUSTICE AND STRONG INSTITUTIONS (2018–2022)

Discussion

Target 16.1: Significantly reduce all forms of violence and related death rates everywhere

Reducing the levels of crime and violence in the country continued to be a major focus for the GOJ. As such, the GOJ continued to use a combination of measures aimed at reducing and preventing crime and violence. This included short-term interventions such as the declaration of communities as Zones of Special Operations (ZOSOs) and the declaration of States of Public Emergencies (SOEs) in police divisions. Medium to long-term interventions included legislative updates; building the technological capacity of the security forces; and social intervention programmes to provide well-needed services to residents in volatile and vulnerable communities. The National Commission on Violence Prevention was established in 2019 to develop a ten-year action plan focusing on violence prevention. Subsequently, in 2020, the Citizen Security Secretariat was established to provide oversight for the implementation of the Citizen Security Plan which provides a multi-sectoral and community-focused approach to improving citizen security in Jamaica. As it relates to building the technological capacity of the security forces, this included the continued implementation of the National Surveillance Programme dubbed Jamaica Eye. This programme is designed to increase the safety of citizens and assist the security forces in solving crimes through a system of networked CCTVs. The Data Protection Act which came into effect in 2020, provides a level of protection or recourse for persons with privacy concerns. The increased use of online systems due to the pandemic has also resulted in the need to focus on issues related to cybersecurity. The National Cybersecurity Strategy 2015 – 2025 has been prepared and a review of the Cybercrimes Act, 2015 has begun. There are also plans to develop a National Child Online Protection Strategy.

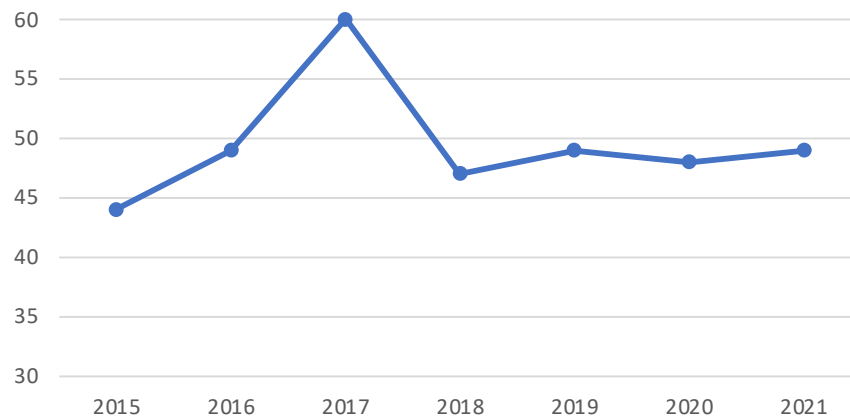


FIGURE 88: MURDER RATE PER 100,000 FOR YEARS 2018 – 2021
SOURCE: JAMAICA CONSTABULARY FORCE

The murder rate increased to 49 per 100 000 in 2021 from 47 per 100 000 in 2018, with 90 per cent of victims being males. It should be noted, however, that other categories of major crimes¹⁸⁰ have been trending downwards from 4 369 in 2018 to 3 661 in 2021. Regarding sexual violence, measures to address incidences and prevention have been in the form of legislation, namely the Sexual Harassment (Protection and Prevention) Act 2021 and strengthening victim support services. While certain types of crimes are trending downwards, data from the 2019 Jamaica National Crime Victimization Survey (JNCVS) showed that 91.0 per cent of respondents generally felt safer walking alone in their community during the day while 69.9 per cent felt safe walking alone in the night. This is in contrast to the 2016 JNCVS report that showed that 95.5 per cent felt safe walking alone in their community during the day and 81.7 per cent during the night.

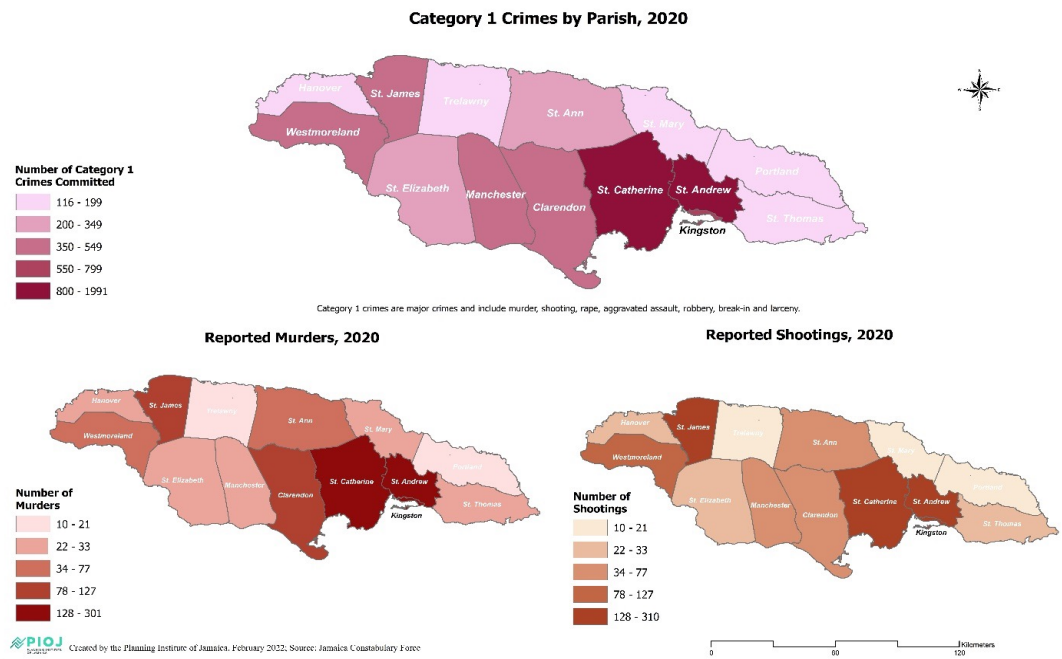


FIGURE 89: CATEGORY 1 CRIMES BY PARISH, 2020
SOURCE: JAMAICA CONSTABULARY FORCE

As the GOJ continued its “Clear, Hold, Build” approach to manage crime and violence at the community level, various social interventions were undertaken including the provision of educational and skills training, assistance in identifying, establishing and expanding income generation activities, provision of psycho-social support and provision of access to justice services. The use of this approach first began in 2017 through the enactment of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act and has continued to be operational through the declaration of Zones of Special Operations (ZOSOs) in communities. There were also programmes focused on improving the physical environment and infrastructure such as solid waste management, road repairs and school sanitation projects. Work done under the Community Renewal Programme (CRP) has identified the 100 most volatile and vulnerable communities across the parishes registering the highest levels of crime and violence. However, a number of the communities identified have received little or no targeted intervention due to inadequate resources and even in communities that have received support, the interventions have only been able to focus on a limited number of persons or just a few of the priorities identified. The CRP has also developed a Community Renewal Index to show how close/far a community is from being renewed. The onset of the COVID-19 pandemic impacted the ability of stakeholders to implement some of their activities within these volatile and vulnerable communities such as education and skills training as classes had to be held virtually and many participants did not have access to the required electronic devices or adequate internet access and in other instances based on the nature of the training, some elements could not be done virtually.

The onset of the COVID-19 pandemic has also increased domestic violence in many countries worldwide including Jamaica as lockdowns and restrictions on movement have resulted in perpetrators having increased access to their victims. Some recommendations have been put forward to address this issue such as increasing the number of shelters available for victims of violence; amending the Domestic Violence and Sexual Harassment Acts to enable stiffer penalties for breaches; provide adequate personnel to cater to the psychosocial needs of both the victims and perpetrators of domestic violence; and increased sensitization and training of key stakeholders to identify and address signs of domestic violence.

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children

In 2018, Jamaica completed the National Plan of Action for an integrated response to Children and Violence (NPACV) and launched it in 2019. The NPACV provides a structured, multi-sectoral approach to addressing key issues relating to children as victims, perpetrators and witnesses of violence and abuse. The Child Diversion Act was passed in 2018 and implementation of the Child Diversion programme commenced in 2019. This programme aims to reduce the number of children exposed to the formal criminal justice system by diverting them into diversionary programmes to enable rehabilitation. By the end of 2021, over 600 children had been referred to the programme since inception in March 2020. With persons between the ages of 12 to 24 years accounting for a significant proportion of persons arrested for Category 1 (major) crimes, the National Child Diversion Programme is a mechanism to treat perpetrators of minor offences before they graduate to perpetrators of major offences.

Implementation of the Child Protection Compact between the GOJ and the US government began in 2018 to support the GOJ in addressing the issue of child trafficking. Under this partnership, the Trafficking in Persons Handbook for MDAs was published in 2021. The handbook has a child trafficking screening tool, presents indicators of child trafficking and the national referral mechanism for managing child trafficking in Jamaica. In 2019, the Anti-Trafficking in Person (A-TIP) Club in schools was launched and there are 20 secondary schools with an A-TIP club. The multi-stakeholder approach to implementing the National Plan of Action for Human Trafficking enabled the country to main its Tier 2 (Upper) ranking in the United States Department of State Trafficking in Persons report.

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all

The GOJ continued to promote equal access to justice by undertaking reforms aimed at strengthening systems in the formal justice sector and providing alternate dispute resolution mechanisms at the community level. As it relates to the formal justice system, technological and physical improvement continued in the island's courts. At the same time, a total of seven Parish Justice Centres were established. These centres offer restorative justice, child diversion and mediation services. During the period 2018–2021, over 6 500 restorative justice conferences were held with over 89.0 per cent being successfully resolved. The use of restorative justice conferences is another methodology being employed to reduce the backlog of cases in the courts. The restrictions due to the COVID-19 pandemic resulted in the closure of courts however, the country was able to pivot to a virtual format with the installation of audio-visual equipment in 19 courts across the island. This operational change increased the number of judgements and a further reduction in the number of backlog cases in the nation's courts. Justice reform also included the implementation of the Justice Undertakings for Social Transformation (JUST) Programme which was developed out of an assessment of the Jamaican Justice System dating back to 2006. Under the Justice Undertakings for Social Transformation (JUST) programme, the Case Information Statistical System (CISS) was implemented in family, tax and traffic courts. There was also funding and support to the Court Statistician and Data Collection Project and the completion of the Legislative Production Management System and various add-ons, including workflow and knowledge management systems for the Ministry of Justice and its departments, as well as an automated drafting template.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

The Financial Investigations Division, The Major Organized Crime and Anti-Corruption Agency, and the Counter-Terrorism and Organized Crime Division in the Jamaica Constabulary Force are the main agencies working in this area.

Jamaica's National Risk Assessment (NRA)¹⁸¹ for the period 2016 - 2019 was published in 2021. The NRA seeks to identify, assess and understand the money laundering and terrorist financing risks within the country to enhance the country's national risk-based anti-money laundering and counter the financing of terrorism framework. The country's overall money laundering risk was assessed as Medium-High. This was due to a national money laundering threat level of Medium High and a national money laundering vulnerability level also assessed as Medium-High. The main threats identified in the assessment included financial and cybercrime, and illicit trafficking in narcotics. The main vulnerabilities identified included Jamaica's high crime rate, porous borders, geographic location, the pace of investigations and prosecutions, high level of informality, and significant use of cash in the economy. It should be noted that the challenges identified in 2019 still exist in 2022. There are elements of the vulnerabilities that are impossible to change such as geographic location and porous borders and so, the focus has to be placed on the other elements that can be improved. The country has 145 unofficial ports and as a result, maritime and border control is a major priority for the GOJ. To this end, work has commenced on the development of the national Border Security Policy and Strategy. This will seek to secure the country against various threats such as the illegal movement of weapons, drugs, and other contraband.

Additionally, work started in 2020 to adopt and implement the Roadmap for implementing the Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition across the Caribbean. Successful implementation of the Roadmap should result in a safer Caribbean by addressing the issue of illicit proliferation of firearms and ammunition. Discussions also commenced with SALIENT (The Savings Lives Entity) to identify strategies to deal with the issue relating to the flow and use of small arms in the country. This is as firearms remain the main implement used to commit over 80.0 per cent of murders annually.

Target 16.5: Substantially reduce corruption and bribery in all their forms

The Major Organised Crime and Anti-Corruption Agency (MOCA) Code of Conduct and Disciplinary Procedure Regulations were passed in 2020. The Regulations now give effect to the provisions of the Major Organised Crime and Anti-Corruption Agency Act, which include the establishment of the agency a statutory law-enforcement agency with operational independence and authority. MOCA investigates organised crime, public sector corruption, economic and financial crimes and police corruption. Between 2018 and 2021, MOCA conducted 138 operations which led to 161 people being arrested of which 152 were charged. The impact of the pandemic could be seen in the work of MOCA with a 77.0 per cent reduction in the number of operations conducted from 61 in 2018 to 14 in 2020.

The Integrity Commission was established in 2018 after the promulgation of the Integrity Commission Act in February 2018. The establishment of this body as a result of merging the operations of three government entities namely, the former Office of the Contractor General, which was responsible for ensuring that the government procurement procedures and the issuance of government licences and permits were free of impropriety and irregularity; the former Commission for the Prevention of Corruption, to which public officials were required to annually file their income, asset and liability statements; and the former Integrity Commission (Parliamentary), to which Parliamentarians were required to annually file their income, asset and liability statements.

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Target 16.6: Develop effective, accountable and transparent institutions at all levels

Some \$19.5 million was allocated in the fiscal year 2020/21 for the Public Sector Modernisation Programme (PSMP) II. The programme has been focused on improving accountability and service delivery in the public service. Some initiatives have been undertaken thus far and include the implementation of Phase A of the Human Capital Management Enterprise System or MyHR+ in 13 entities; the development of the GOJ Information and Communications Technology (ICT) Transformation Blue Print and the ICT Governance Frameworks; the design of GovNet; business process re-engineering for the Government Electrical Inspectorate (GEI); provision of equipment for the Jamaica Archives and Records Department (JARD) to support the development of a Records and Information Management Policy and improve the digitization capacity in JARD; support to the Auditor General's Department to develop an internal audit manual; implementation of the Customer Service Monitoring and Evaluation System in seven government entities; and piloting of the Enterprise Content Management Solution to support the Public Sector Customer Service Policy.

Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels

The Social Development Commission continues to provide support to residents and communities in the establishment and functioning of community governance structures. In 2018, there were 578 active Community Development Committees (CDCs), 65 active Development Area Committees and 13 active Parish Development Committees. In 2019 there were 651 active CDCs, 64 active DACs and 12 active PDCs however, by 2020 there were reported declines in the numbers of active groups – 559 or 14 per cent reduction in active CDCs, 63 or 2 per cent reduction in active DACs and 10 or 17 per cent reduction in active PDCs. The decline in the number of active governance groups was due largely to the COVID-19 pandemic as it became difficult for groups to meet.

Target 16.9: By 2030, provide legal identity for all, including birth registration

The National Identification and Registration Act was passed in 2021. The National Identification System (NIDS) will provide a comprehensive and secure structure to enable the collection and storage of identity information. This secure voluntary tool can also verify an individual's identity, facilitate the electronic signing of documents and securely access a range of government services online. As a part of activities to commemorate Jamaica's 60th year of independence, approximately 11,000 undocumented eligible Jamaicans with incomes below a specified threshold will be provided with birth certificates free of cost through Project BirthRight. The J\$50 million initiative will be implemented under the auspices of the NIDS, in collaboration with the Registrar General's Department (RGD) and will utilise existing methods to verify that applicants are born in Jamaica. Registration forms to access the programme will be available at the RGD's branch offices, on the RGD and the NIDS Facts websites, and the Office of the Prime Minister's social media pages in July 2022.

Target 16.a: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime

Preserving the human rights of all citizens and visitors remained a priority for the government and so work continued to establish a National Human Rights Institute. The Cabinet is deliberating the establishment of this institute. A Ministry of Legal and Constitutional Affairs was established in January 2022 with the protection of Human Rights as one of the focus areas.

Lessons Learnt and Best Practice

With an overwhelming number of cases facing the courts and incidences of crime on the rise, greater attention has been placed on how to filter the number of cases that enter the courts. As a result, the focus on alternative dispute resolution (ADR) methods has been employed in the use of mediation and restorative justice that can alleviate pressures on the

system and close matters for citizens in a timely manner. Reducing the number of civil and criminal cases in the parish courts especially has borne results in civil matters, where the gross clearance rate has increased from 90.73 per cent in 2019 to 101.10 per cent in 2021.¹⁸²

Way Forward

Efforts at improving the dispensation of justice and access to fair treatment for all is an ongoing process. Continued support of various local and international partners is crucial in identifying best practices from countries that have undergone similar challenges and implementing workable solutions based on local circumstances.

The need for increased use of data and monitoring and evaluation (M&E) systems to inform the decision-making process is necessary to affect and guide positive change. Coordination and scaling-up of workable solutions are areas that have also been identified as strategies that will, if properly implemented, assist in achieving set targets.

The continued focus on community-level interventions to improve safety and security is critical, however, there is a need for the identification of adequate resources to increase both the number of communities receiving interventions and the number of residents in target communities benefiting from these interventions. Additionally, capacity building of the various entities in the security architecture is also needed to ensure that they can adequately manage their areas of responsibility and deal with current and new threats.

Resource Requirements

The resource requirements to advance progress on goal 16 are in the areas of technology, data management and technical cooperation. The judicial system and the associate social justice programmes in Restorative Justice, Child Diversion and Victim Services all serve to improve service delivery. Supporting these improvements require resources to strengthen application of digital technology that facilitate data management and case management. Projects such as the current Judicial Case Management Solution (JCMS), which received initial support from the European Union, through the 11th European Development Fund present the opportunity for further cooperation from international development partners. Leveraging data for improvements in the courts system requires the use of technology. Better data management not only affects users but the wider society through access to information that can improve policy responses, research and advocacy.