



FACT SHEET

HIV and the Law: Women in Jamaica



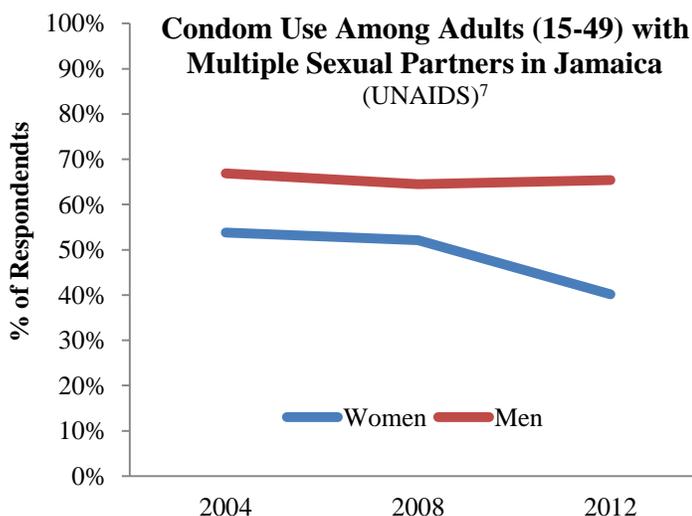
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Global Snapshot

- Women represent 50% of all adults living with HIV, and each minute one young woman is infected with HIV.¹
- In 2010, 106 countries reported having laws, regulations or policies that obstruct access to HIV services for populations at higher risk of HIV exposure.²

The Caribbean

- HIV prevalence among adults in the Caribbean is 1.0%, higher than all other regions outside of sub-Saharan Africa. 12,000 new infections occurred in 2012, an average of 33 new infections every day. 11,000 AIDS related deaths occurred in 2012 or 30 persons per day.³
- Women represent approximately 60% of people living with HIV in the Caribbean.⁴
- Overall HIV prevalence rates among young women 15-24 years old in the Caribbean are nearly twice as high as young men of the same age group.⁵
- Unprotected sex between men and women, especially paid sex, is thought to be the main mode of transmission.⁶



HIV in Jamaica

- An estimated 28,000 people were living with HIV at the end of 2012.⁸ Between 1982 and 2010 a total of 8,102 deaths have been attributed to AIDS.⁹
- Each year an additional 1,400 Jamaicans will become newly infected with HIV.¹⁰
- Infections among women have increased from 30% in the 1980's to 45% between 2000-2009.¹¹
- **Only 40% of women with multiple sexual partners reported using condoms** at last intercourse, compared to 65% of men.¹²
- **Sexual and physical violence was reported by nearly 10% of all women** who were ever married or partnered.¹³
- 84% of HIV positive pregnant women received ARVs along with 98% of infants.¹⁴
- Female partners of MSM account for 7% of new infections each year.¹⁵

Recommendations for Action:

- Realize the 2011 Declaration of Commitment by prohibiting discrimination based on gender and advancing gender equity.
- In line with the Domestic Violence Act, strengthen laws prohibiting gender-based violence, including for harassment, sexual violence, and marital rape.
- Strengthen social protection programs directed towards women and girls.
- Ensure that sexual and reproductive health programs promote and reinforce the use of condoms among all individuals, but especially women.
- Facilitate discussion on gender inequality and violence as structural factors driving HIV infection.
- Continue expansion of the prevention of mother to child transmission (PMTCT) program to reach all HIV positive pregnant women.

Additional recommendations from the Global Commission on HIV and the Law may be found at: <http://hivlawcommission.org/>

Enabling Legal and Policy Environment

Caribbean-wide

- In August 2013 a joint statement from delegates to the Caribbean Forum on Gender Equality and the Post 2015 Agenda, including government representatives from Jamaica, **stressed the importance of addressing sexual violence, intimate partner violence and other forms of gender based violence** against women and girls and other vulnerable groups, and **urged recognition of gender-based violence as a public health issue.**¹⁶
- In June 2010, PANCAP developed the CARICOM Model Anti-Discrimination Law, which provides for the elimination of discrimination on the grounds of HIV status, sexual orientation, gender, disability and status as an orphan. The model law was subsequently refined in March 2012.¹⁷

In Jamaica

- In April 2011, leaders of the Jamaican government and opposition signed a joint **Declaration of Commitment to eliminate stigma and discrimination and gender inequality** affecting the HIV response in Jamaica.¹⁸
- The Jamaican cabinet recently approved an amendment to the Public Health Order to clarify that HIV/AIDS is listed as a communicable disease for the sole purpose of surveillance reporting to the Ministry of Health.¹⁹
- In May 2013 the Jamaican Ministry of Health integrated the National HIV/STI Programme with the National Family Planning Board.²⁰
- The Ministry of Health is currently revising clinical guidelines for management of HIV/AIDS.²¹
- Both Houses of Parliament approved the National Workplace Policy on HIV/AIDS and regulations are currently being developed.²²
- The National HIV-Related Discrimination Reporting and Redress System continues to document and seek redress in cases of alleged discrimination. A review of the system is currently underway.²³
- HIV testing, prevention and treatment programs are underway in correctional facilities.²⁴

Examples of laws and practices that hinder the HIV response:

- Patriarchal and misogynist gender norms that perpetuate gender inequality and power imbalances in relationships and which contribute to intimate partner violence and rape and undermine the ability of women to reject sexual advances and negotiate safer sex.
- Weak legal regimes that fail to protect women from violence and rape.
- Lack of prosecution of perpetrators of sexual violence, intimate partner violence, gender based violence and marital rape.
- Laws that undermine women's economic empowerment.
- Criminalization of consensual sexual behavior between adults of the same sex.
- Laws and practices that directly or indirectly criminalize and discriminate against people living with HIV and other key populations.
- Employment laws or policies that prohibit people living with HIV from working in certain sectors.
- Discrimination and stigmatization towards people with HIV by health providers, including HIV positive pregnant women, and practices such as coerced sterilization of women living with HIV.

Sources:

- ¹ UNAIDS. Report on the Global AIDS Epidemic, Core Epidemiology Slides. 2013.
- ² Vulnerable subpopulations include sex workers, men who have sex with men, injecting drug users, transgender people, women and children.
- ³ Figures drawn from: UNAIDS. Report on the Global AIDS Epidemic. 2013.
- ⁴ UNAIDS. Women out loud: How women living with HIV will help the world end AIDS. 2012.
- ⁵ UNAIDS. Report on the Global AIDS Epidemic. A34. 2013.
- ⁶ UNAIDS. Regional Factsheet: Latin America and the Caribbean. 2012.
- ⁷ UNAIDS. Country Progress Report: Jamaica. 9. March 30, 2012.
- ⁸ UNAIDS. Report on the Global AIDS Epidemic. A10. 2013.
- ⁹ UNAIDS. Country Progress Report: Jamaica. 16. March 30, 2012.
- ¹⁰ UNAIDS. Report on the Global AIDS Epidemic. A22. 2013.
- ¹¹ Jamaica Observer. Women more vulnerable to new HIV infections. August 6, 2013.
- ¹² UNAIDS. Country Progress Report: Jamaica. 9. March 30, 2012.
- ¹³ Id. at 29.
- ¹⁴ Id. at 20.
- ¹⁵ Id. at 7-8.
- ¹⁶ UN Women. Caribbean Joint Statement on Gender Equality and the Post 2015 and SIDS Agenda. August 29, 2013.
- ¹⁷ CARICOM. Press Release: PANCAP Model Anti-discrimination Legislation – Interface between Public Health and Human Rights. March, 21, 2012.
- ¹⁸ UNAIDS. Country Progress Report: Jamaica. 21. March 30, 2012.
- ¹⁹ UNDP. (Draft) Report Second Stakeholder Workshop: HIV and the Law Project. August 20, 2013.
- ²⁰ Id.
- ²¹ Jamaica Ministry of Health. (Draft) Clinical Management of HIV Disease: Guideline for Medical Practitioners. 2013.
- ²² Id.
- ²³ Id.
- ²⁴ Id.

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