

CASE STUDY

# JAMAICA

## Divesting from Prohibition, Investing in the HIV Response

### Summary

Jamaica decriminalised cannabis through the Dangerous Drugs Amendment Act (DDAA) in 2015. The Act legalised and regulated commercial cultivation and sale of cannabis for medicinal use. It decriminalised personal possession of cannabis, permitted home cultivation for medicinal use, and allowed Rastafarians to use and grow cannabis for sacramental use in locations registered as placed for Rastafari worship. Before decriminalisation, there were 15,000 annual arrests for cannabis possession. A quarter of all court cases dealt with cannabis-related offences, costing an estimated at USD 64 million in arrest and prosecution costs annually. In 2016, Jamaica significantly increased its budget for the HIV national response, with funding nearly doubling from USD 2.83 million to USD 5.17 million.

### Key Statistics

**25%**

25% of all court cases were due to **cannabis-related offences**.<sup>[1]</sup>

**\$64 M**

The yearly arrest and prosecution costs were estimated at **USD 64 million**.<sup>[1,2]</sup>

**90% ▼**

Court cases involving possession or smoking of cannabis have been **reduced by over 90% since the decriminalisation of drug use and possession**<sup>[1]</sup> in April 2015.

**25% ▼**

There was a 25% decrease in criminal cases referred to courts in 2016, compared to 2014.<sup>[1]</sup>

## The Punitive Approach

Jamaica criminalised cannabis in 1913 and mandated a one-year prison term for the possession, use and cultivation of cannabis in 1941.<sup>[3]</sup> This draconian law particularly impacted traditional communities like Rastafarians and Maroons<sup>1</sup>. Although a 1972 amendment removed mandatory imprisonment, prosecution of cannabis-related cases steadily continued, resulting in a surge in the prison population, nearly doubling between 1972 and 2014, from 2,330 to 4,050.<sup>[4,5]</sup>

15,000 people were arrested for cannabis possession in 2014. A quarter of all court cases dealt with cannabis-related offences, and yearly costs were estimated at USD 64 million.<sup>[1,2]</sup> Convictions for repeat cannabis offenders and prosecution of non-payment of fines contributed to an overcrowded prison system. By 2014, the imprisonment rate stood at 145 per 100,000 people.<sup>[5]</sup>

## Challenging the Punitive Approach

The Rastafari community in Jamaica has long advocated for the legalisation of cannabis, including famous musicians like Bob Marley and Peter Tosh, who heavily influenced the public conversation. Peter Tosh released the album “Legalize It”, and its title song became an anthem for the cannabis legalisation movement in Jamaica. Jamaican music and popular culture have served as platforms for social commentary on cannabis policy over several decades, influencing public conversations about cannabis.<sup>[6]</sup>

Advocacy group, the Ganja Law Reform Coalition, played a key role in challenging the criminalisation of cannabis, pointing to the negative impact of drug law enforcement, such as high arrest rates and the associated costs. In parallel, the Ganja Future Growers and Producers Association advocated for a regulatory model that favoured small growers over large domestic and multinational corporations. They also pointed out how cannabis legalisation could fuel economic growth.

## Instigating Change

The push for changes to Jamaica’s cannabis laws gained momentum in 2014 following the tragic death of a young man who died in custody after being arrested for possessing a joint. This incident sparked public outrage and political leadership was under pressure to reform cannabis laws.

Support for reform echoed from various quarters of society; Ganja Law Reform Coalition, the Ganja Future Growers and Producers Association, the Rastafari community, the Maroon community, and the National Coalition of Ganja Farmers and Producers, all rallied behind the cause. The Minister of Justice, Mark Golding, advocated for reform, highlighting the rights of Rastafarians to practice their faith and raising concerns about the overuse of the criminal legal system. The amendment was tabled by Jamaica’s Peoples National Party and passed with the support of the opposition, Jamaica Labour Party.<sup>[3]</sup>

The DDAA decriminalised personal possession of up to two ounces (56 grams) of cannabis and cultivation of up to five cannabis plants per household for horticultural and therapeutic use. It also legalised and regulated commercial cultivation and sale of cannabis for medicinal use. The amendment carried provisions to allow sacramental use by the Rastafarian community and paved the way for expunging criminal records related to cannabis possession in quantities which were now decriminalised.<sup>[7,8]</sup>

## Investing in Community, Health and Justice

After the DDAA was enacted, Jamaica significantly increased domestic funding for its HIV programme (HIV prevention, treatment, care and support). In 2016, funding nearly doubled to USD 5.17 million from USD 2.83 million the previous year.<sup>[9]</sup> HIV testing increased, and by the end of 2016, approximately 88% of people living with HIV in Jamaica were aware of their HIV status (compared to 70% in 2013). The “Reach and Test” initiative targeting female sex workers and men who have sex with men was also scaled up and resulted in an increase in HIV testing. The number of female sex workers getting tested for HIV increased from 132 in 2015 to 585 in 2016. The number of men who have sex with men getting tested for HIV grew from 94 in 2015 to 327 in 2016.<sup>[9]</sup>

In partnership with the National Council on Drug Abuse, the Ministry of Health and Wellness also launched the “Good Ganja Sense” education campaign to increase public awareness about cannabis and debunk myths about the drug. The campaign strategies included advocacy through print, social and digital media, as well as radio and television ads.

1 Rastafarians in Jamaica are a religious and social movement that emerged in the early 20th century, emphasising African heritage, spiritual connection and social justice. The Maroons in Jamaica are descendants of African slaves who escaped from plantations and established free communities in the mountainous regions, often resisting British colonial forces.

## Impact

Court cases involving possession or smoking of cannabis have reduced by over 90% since the DDAA took effect in April 2015, resulting in nearly 14,000 fewer arrests each year. In 2016, there was a 25% decrease in the total number of criminal cases referred to courts compared to 2014.<sup>[1]</sup> The reform, which downgraded personal possession of cannabis to an administrative offence, meant that far fewer people experienced the barriers to employment and travel that come with a criminal record.

When the DDAA came into effect, Jamaica set off a chain reaction that transformed more than just cannabis laws. This was not a mere legal change; it was a transformative step towards a more humane approach that put public health and wellbeing at the forefront. The subsequent 45% increase in funding for the HIV programme resulted in increased HIV testing, including among key populations, with 2,015 newly diagnosed cases registered in 2016.

## Sources

1. Mark Golding. Jamaica's Dangerous Drugs Amendment Act 2015. Available at: [https://eulacfoundation.org/en/system/files/UNGASS\\_GoldingJM\\_EN.pdf](https://eulacfoundation.org/en/system/files/UNGASS_GoldingJM_EN.pdf)
2. Jamaica. Financial Statements and Revenue Estimates 2014–2015. Available at: [https://www.mof.gov.jm/wp-content/uploads/FSRE\\_2014-15.pdf](https://www.mof.gov.jm/wp-content/uploads/FSRE_2014-15.pdf)
3. Hanson, V.J. Cannabis policy reform. Available at: <https://cannalib.eu/wp-content/uploads/2022/04/Legalizing-Cannabis-Experiences-lessons-and-scenarios-2020.pdf#page=412>
4. World Prison Brief. Jamaica. Available at: <https://www.prisonstudies.org/country/jamaica>
5. Klein, A., 2016. Ganja in the English-speaking Caribbean: From security threat to development opportunity. Available at: <https://www.swansea.ac.uk/media/Ganja-in-the-English-speaking-Caribbean---From-Security-Threat-to-Development-Opportunity.pdf>
6. Neis Araujo, F., 2023. Ganja and the Laws of Men: Cannabis Decriminalization and Social (In) Justice in Jamaica. *Contemporary Drug Problems*, 50(2), pp.202-216. Available at: <https://journals.sagepub.com/doi/pdf/10.1177/00914509231156608>
7. Davenport, S. and Pardo, B., 2016. The dangerous drugs act amendment in Jamaica: reviewing goals, implementation, and challenges. *International Journal of Drug Policy*, 37, pp.60-69. Available at: [https://www.sciencedirect.com/science/article/pii/S0955395916302729?casa\\_token=cTgybJE3JU4AAAAA:0T7Z3jbPJYV-5-trdT6lw6SVSxASiaHxqerMdZ-djhICuxNVBdH0FQBpl7PdGc488xcw1lk](https://www.sciencedirect.com/science/article/pii/S0955395916302729?casa_token=cTgybJE3JU4AAAAA:0T7Z3jbPJYV-5-trdT6lw6SVSxASiaHxqerMdZ-djhICuxNVBdH0FQBpl7PdGc488xcw1lk)
8. Klein, A., Rychert, M. and Emanuel, M.A., 2022. Towards social justice and economic empowerment? Exploring Jamaica's progress with implementing cannabis law reform. *Third World Quarterly*, 43(11), pp.2693-2711. Available at: [https://www.researchgate.net/profile/Axel-Klein/publication/358084448\\_Towards\\_social\\_justice\\_and\\_economic\\_empowerment\\_Exploring\\_Jamaica's\\_progress\\_with\\_implementing\\_cannabis\\_law\\_reform/links/640725f80d98a97717e7e143/Towards-social-justice-and-economic-empowerment-Exploring-Jamaicas-progress-with-implementing-cannabis-law-reform.pdf](https://www.researchgate.net/profile/Axel-Klein/publication/358084448_Towards_social_justice_and_economic_empowerment_Exploring_Jamaica's_progress_with_implementing_cannabis_law_reform/links/640725f80d98a97717e7e143/Towards-social-justice-and-economic-empowerment-Exploring-Jamaicas-progress-with-implementing-cannabis-law-reform.pdf)
9. National HIV/STI/TB Unit, Ministry of Health. Annual Report 2016. Available at: <https://www.moh.gov.jm/wp-content/uploads/2018/08/MOH-2016-Annual-Report.pdf>

This is one in a series of case studies which captures the experiences of governments and donors around the world divesting from punitive approaches to drugs, and investing in programmes which prioritise community, health and justice. These case studies are not meant to be comprehensive but provide examples of effective divestment and investment, and related advocacy strategies.

**DIVEST FROM  
THE UNJUST  
DRUG WAR.**

**INVEST IN  
JUSTICE.**