



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Jamaica*

I. Introduction

1. The Committee considered the initial report of Jamaica¹ at its 556th, 558th and 560th meetings,² held in a hybrid mode on 8, 9 and 10 March 2022. It adopted the present concluding observations at its 576th meeting, held on 22 March 2022.
2. The Committee welcomes the initial report of Jamaica, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee.⁴
3. The Committee commends the State party for having agreed to have its initial report reviewed in a hybrid mode session, given the extraordinary circumstances due to the coronavirus disease (COVID-19) pandemic. It appreciates the fruitful and sincere dialogue held with the State party's delegation, in Geneva and online from the capital, which was diverse and multisectoral and which included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its ratification in 2007.
5. The Committee welcomes the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of the following:
 - (a) The Disabilities Act, in 2014 (came into effect on 14 February 2022);
 - (b) The National Building Code and the Building Act, in 2018 (came into effect on 15 January 2019);
 - (c) The Social and Economic Inclusion of Persons with Disabilities Project 2013–2017.

* Adopted by the Committee at its twenty-sixth session (7–25 March 2022).

¹ [CRPD/C/JAM/1](#).

² See [CRPD/C/SR.556](#), 558 and 560.

³ [CRPD/C/JAM/RQ/1](#).

⁴ [CRPD/C/JAM/Q/1](#).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

6. The Committee notes with concern:

(a) The use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities, which emphasize persons' impairments, reflect the medical and paternalistic approaches to disability and reinforce stigma against persons with intellectual or psychosocial disabilities;

(b) The fact that the definition of persons with disabilities in the Disabilities Act, 2014, the Mental Health Act, 1999 and the National Policy for Persons with Disabilities, 2000, focuses on impairment and therefore is not in line with the Convention;

(c) The lack of awareness among policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, about the rights recognized in the Convention;

(d) The fact that the State party has not yet ratified the Optional Protocol to the Convention.

7. **The Committee recommends that the State party:**

(a) **Repeal all sections in the legislation that use derogatory terms, including articles 37 (2) (c) and 40 (2) (f) of the Constitution, section 8 (2) of the Property (Rights of Spouse) Act, and the Mental Health Act, and other provisions, policies and regulations, and ensure that they conform to the human rights model of disability;**

(b) **Ensure that concepts of “disability” and “persons with disabilities” in the national legislation are in line with the human rights model and the Convention;**

(c) **Strengthen capacity-building programmes for public policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, on the rights of persons with disabilities and the obligations of the State party under the Convention. The State party should involve organizations of persons with disabilities in the design and implementation of training for public officials;**

(d) **Ratify the Optional Protocol to the Convention without further delay.**

8. The Committee is concerned about:

(a) The inadequate mechanisms for facilitating the involvement of persons with disabilities in decision-making processes concerning disability-related laws, policies and programmes, including in processes related to the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals;

(b) The lack of a system for the collection of data and statistics on persons with disabilities by the Jamaica Council for Persons with Disabilities.

9. **The Committee recalls its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, and recommends that the State party:**

(a) **Strengthen and implement mechanisms for the effective involvement of persons with disabilities, in particular of persons with intellectual disabilities, through their representative organizations, in public decision-making processes, including for monitoring and reporting on the implementation of the Sustainable Development Goals. The State party should ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities and provide them with a timetable for the consultation processes concerning any reforms to be made to laws and policies affecting persons with disabilities;**

(b) **Establish a more inclusive data collection mechanism, separate from the registration by the Jamaica Council for Persons with Disabilities, to collect statistics and data on persons with disabilities in the State party.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

10. The Committee observes with concern:

(a) The fact that despite the explicit prohibition of discrimination against persons with disabilities by the Disabilities Act, 2014, the anti-discrimination legislation excludes persons with psychosocial disabilities from political participation;

(b) The delay in the enactment of the Disabilities Act, 2014, which only has taken effect in February 2022, as well as the delay in the operationalization of the Disabilities Rights Tribunal and the Jamaica Council for Persons with Disabilities;

(c) That despite the fact that the National Housing Trust reserves 5 per cent of all housing developments for persons with disabilities and provides a special loan option within its benefits programme which gives assistance to contributors with disabilities wishing to purchase homes, many persons with disabilities are excluded from these programmes due to the prohibitive costs of mortgages, and loan interest, as well as stereotypes and stigmatization of persons with disabilities by landlords.

11. **The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Review the existing anti-discrimination legislation, in particular section 36 of the Disabilities Act, 2014, as well as relevant sections of the Constitution, to ensure that persons with disabilities, including those with psychosocial disabilities, are comprehensively protected from discrimination;**

(b) **Accelerate the operationalization of the Disabilities Rights Tribunal and the Jamaica Council for Persons with Disabilities and ensure the availability of sustainable and appropriate human and financial resources to carry out their mandates;**

(c) **Establish mechanisms, including social protection measures, to ensure full implementation of 5 per cent housing quotas and that housing is available to all regardless of economic status.**

Women with disabilities (art. 6)

12. The Committee notes with concern:

(a) The lack of information, including disaggregated data, about the situation of women and girls with disabilities;

(b) The lack of the inclusion of a gender perspective in the disability-related legislation and policies, as well as the lack of a disability perspective in gender-related legislation and policies, which leads to further discrimination, marginalization and exclusion of women and girls with disabilities;

(c) That the national legislative framework does not explicitly address intersectional discrimination against women and girls with disabilities, as well as the absence of data and research carried out on multiple and intersectional discrimination faced by women and girls with disabilities with a view to designing adequate policy responses;

(d) The limited access to justice for women with disabilities due to a lack of accessibility and procedural accommodations, lack of sign language interpretation and captioning, and lack of accessible formats in information provided by the Bureau of Gender Affairs;

(e) The lack of empowerment programmes for women with disabilities in public and political life, in decision-making and in the judiciary, particularly for those living in rural area.

13. **The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities, and Goal 5 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Ensure that data collection systems and impact assessments of legislation and policies include indicators and disaggregated data on women and girls with disabilities;**

(b) **Mainstream the rights of women and girls with disabilities into all gender legislation, and mainstream a gender perspective in disability policies and programmes, while ensuring consultation with and the effective participation of women and girls with disabilities, particularly those in rural areas, in the design and implementation of gender- and disability-related policies and programmes;**

(c) **Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislation and strategies that reflect a gender perspective and intersectionality;**

(d) **Ensure that all women with disabilities, including women living in rural areas, women with intellectual disabilities and women with psychosocial disabilities, have access to justice, and accessible information on how to claim their rights;**

(e) **Adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes. The State party should implement measures to ensure that women with disabilities are represented in political life in decision-making roles, including in government bodies and the judiciary.**

Children with disabilities (art. 7)

14. The Committee observes with concern:

(a) The absence of mechanisms to consult with children with disabilities and to enable them to express their views in all matters concerning them;

(b) That despite the expansion of the Early Stimulation Programme available in 4 parishes out of 14 by creating three mobile units, the lack of access to these programmes island-wide due to lack of resources results in long waiting periods for assessment, early identification and intervention, in particular in rural areas;

(c) That despite the fact that corporal punishment of children in Jamaica is unlawful in alternative care, in some day-care settings and in the penal system, it is not yet fully prohibited in the home, in day care for children aged 6 and over, and in schools, in violation of the fundamental right of all children to protection from corporal punishment and other cruel or degrading forms of punishment.

15. **The Committee recommends that the State party:**

(a) **Establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them, and that these views are given due weight in accordance with the child's age and maturity;**

(b) **Expand the services of the Early Stimulation Programme by establishing more centres and mobile units to cover the requirements of children with disabilities island-wide;**

(c) **Explicitly prohibit corporal punishment in all settings and ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings, including in schools and in relation to children with disabilities, and that positive, non-violent and participatory forms of child-rearing and discipline are promoted through awareness-raising campaigns and training programmes, in accessible formats.**

Awareness-raising (art. 8)

16. The Committee is concerned:

(a) That the awareness-raising activities are rather sporadic and respond to issues and events;

(b) That electronic media and social networks rarely involve persons with disabilities to raise awareness and promote a positive image of persons with disabilities.

17. **The Committee recommends that the State party:**

(a) **Adopt a national strategy, in close consultation with and with the involvement of organizations of persons with disabilities, in urban and rural areas, to raise awareness of and combat prejudices against persons with disabilities, and monitor its impact;**

(b) **Introduce training and awareness-raising modules about the rights of persons with disabilities at all levels of education, as well as for the general public, in all accessible formats and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities.**

Accessibility (art. 9)

18. The Committee notes with concern:

(a) The lack of a comprehensive accessibility strategy covering all areas, in particular physical access, accessible information and communications technology, and other digital access;

(b) That despite the enactment of the Building Act, 2018, in January 2019, the level of its implementation is low, and that many educational, health and paramedical institutions constructed prior to 2019 are not compliant with the Building Code;

(c) That persons with disabilities in rural areas face greater obstacles in gaining access to public transportation and built environments, as there are only a few operational wheelchair-accessible buses, which operate only in the capital and in the immediate environment within specified hours, and that there are open manholes, broken bridges and excavations left unprotected, which result in individual accidents to persons with physical and visual disabilities;

(d) The barriers in the digital work environment that prevent access for persons with disabilities to information and communication, including on government websites, in particular for persons with vision impairments.

19. **The Committee recalls its general comment No. 2 (2014) on accessibility, and recommends that the State party:**

(a) **Adopt a national accessibility strategy that includes all areas described in the Convention, and strengthen its mechanisms for monitoring accessibility at the municipal level, including by establishing a system of sanctions for non-compliance;**

(b) **Ensure the effective implementation of the Building Act, 2018, and bring educational, health and paramedical institutions, as well as other buildings in urban and rural areas, into line with accessibility standards;**

(c) **Increase the number of wheelchair-accessible buses in the public transportation system and extend these services to long-distance and rural areas' transportation needs, and improve the environment and public space in urban and rural areas to make them safe and accessible for persons with different disabilities;**

(d) **Ensure universal access to digital technology for all persons with disabilities, in particular for persons with visual impairments, both in educational facilities and at home.**

Situations of risk and humanitarian emergencies (art. 11)

20. The Committee notes the vulnerability of the State party to natural disasters and is concerned that persons with disabilities are not sufficiently involved in disaster risk reduction plans at the national and local levels. While noting that the Office of Disaster Preparedness and Emergency Management includes persons with disabilities where there is an imminent hazard, the Committee is concerned at the lack of unified measures taken to establish an emergency notification system that is accessible for all persons with disabilities regardless of the type of impairment.

21. **The Committee recommends that the State party:**

(a) **Improve the accessibility of warning information for persons with all types of impairment, particularly for persons with visual and hearing impairments and those with intellectual disabilities;**

(b) **Closely consult persons with disabilities through their representative organizations on the design and implementation of all disaster risk reduction plans at the national and local levels and at all stages of the process, and adopt a comprehensive strategy, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 and Sustainable Development Goals 11 and 13;**

(c) **Continue to ensure that the Office of Disaster Preparedness and Emergency Management adequately addresses the specific requirements of all persons with disabilities in disaster risk responses.**

22. The Committee is concerned that persons with disabilities have been disproportionately affected by the COVID-19 pandemic, in particular those who are still in institutions, and at the barriers faced by persons with disabilities in gaining access to emergency information and devices.

23. **The Committee recommends that the State party, guided by the guidance and policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights:**

(a) **Mainstream disability in its COVID-19 response and recovery plans, including in respect of ensuring equal access to vaccines, and other economic and social programmes to tackle the negative impact of the pandemic;**

(b) **Adopt measures to deinstitutionalize persons with disabilities in times of emergency and to provide them with appropriate support to live in the community;**

(c) **Involve persons with disabilities and their representative organizations at all stages of developing and implementing COVID-19 response and recovery plans;**

(d) **Ensure that in situations of risk and humanitarian emergencies, all persons with disabilities can receive the necessary information in accessible formats and on the appropriate devices.**

Equal recognition before the law (art. 12)

24. The Committee is concerned that national legislation allows substituted decision-making in property management, financial management, health care, and contract management, among other areas, limiting the active capacity of persons with disabilities on the basis of psychosocial and intellectual impairment.

25. **The Committee recommends that in line with its general comment No. 1 (2014) on equal recognition before the law, the State party expedite the review of the Mental Health Act and harmonize its national legislation, including article 13 (3) (g) of the Charter of Fundamental Rights and Freedoms Act (Constitutional Amendment) and section 8 (2) of the Property (Rights of Spouse) Act to guarantee the right of all persons with disabilities, including persons with psychosocial disabilities, to equal recognition before the law and to establish supported decision-making mechanisms in all areas of life.**

Access to justice (art. 13)

26. While noting the provisions of section 17A of the Legal Act, which guarantees legal aid for persons with disabilities, the Committee is concerned that persons with disabilities face barriers in terms of access to justice, including attitudinal barriers and prejudices among court personnel, insufficient training of personnel to guide persons with disabilities through complex judicial processes and proceedings, and a lack of information about the participation of persons with disabilities in such training. The Committee is also concerned that no procedural accommodations have yet been made to guarantee effective access to justice for all persons with disabilities and to ensure that persons with disabilities may enter the legal professions.

27. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities, and target 16.3 of the Sustainable Development Goals, and recommends that the State party:

(a) **Adopt, in accordance with the Convention, an action plan on access to justice for persons with disabilities, as well as the necessary legal, administrative and judicial measures to eliminate all restrictions on the effective participation of persons with disabilities in all stages of the judicial process;**

(b) **Make procedural adjustments, including the provision of individualized assistance, to ensure that persons with disabilities can participate effectively in the various aspects of legal proceedings;**

(c) **Develop alternative and augmentative means of information and communication for use throughout legal proceedings, such as Braille, sign language, Easy Read and audio and video transcription, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including through accessible transportation;**

(d) **Intensify efforts to provide training on the Convention to justice and law enforcement officials, especially in rural areas;**

(e) **Take measures to ensure that persons with disabilities may enter the legal professions on an equal basis with others, and ensure individualized support for that purpose.**

Liberty and security of the person (art. 14)

28. The Committee is concerned that persons with disabilities, especially those with psychosocial or intellectual disabilities, are still subjected to laws that deprive them of their liberty on the basis of impairment, and that there is a lack of information on the measures taken to ensure that those persons are not subjected to arbitrary treatment, including confinement. It is also concerned at the lack of monitoring mechanisms to ensure the rights and reasonable accommodation of persons with disabilities in correctional facilities.

29. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities⁵ and recommends that the State party:

(a) **Repeal all relevant legislative provisions allowing for the involuntary deprivation of liberty on the grounds of impairment and perceived dangerousness to themselves or others, introduce legislation that ensures non-discrimination through, for example, procedural accommodation for persons with disabilities, including during interrogation and detention, explicitly prohibit the forced institutionalization of persons with disabilities, particularly persons with psychosocial or intellectual disabilities and older persons with disabilities, and restore the rights of persons with psychosocial disabilities to liberty and security of person, on an equal basis with others;**

⁵ [A/72/55](#), annex.

(b) **Establish a monitoring mechanism to ensure that persons with psychosocial or intellectual disabilities are not subjected to arbitrary and forced treatment, particularly treatment that results in confinement;**

(c) **Provide in its next periodic report statistical data on the number of persons with psychosocial or intellectual disabilities and older persons with disabilities who are still hospitalized or institutionalized without their consent;**

(d) **Provide training to health professionals, law enforcement staff and prison officials on the rights and dignity of persons with disabilities and on monitoring mechanisms to ensure the rights of persons with disabilities in correctional and detention facilities.**

**Freedom from torture or cruel, inhuman or degrading treatment or punishment
(art. 15)**

30. The Committee observes with concern:

(a) That involuntary or forced admission is still allowed, and therefore persons with disabilities, and in particular persons with psychosocial disabilities, are still subjected to forced confinement and treatment;

(b) That despite the establishment by the Ministry of Health and Wellness of a Client Complaint Mechanism with a capacity to investigate, address and resolve grievances at the local and national level, this body has not considered that forced treatment of any type amounts to torture.

31. **The Committee recommends that the State party:**

(a) **Review its legislation, policies and practices that allow all forms of involuntary confinement and forced treatment;**

(b) **Review the regulations of the Client Complaint Mechanism to ensure that the complaint procedure is accessible to all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.**

Freedom from exploitation, violence and abuse (art. 16)

32. The Committee notes with concern:

(a) The lack of awareness among the general population and particularly among persons with disabilities about measures for the protection of persons with disabilities from exploitation, violence and abuse, and the lack of a comprehensive strategy against all forms of exploitation, violence and abuse against persons with disabilities, in all settings, including in the family, at school and in the workplace;

(b) The limited availability of information and statistical data regarding violence against women and girls with disabilities and related complaints submitted by them;

(c) The lack of accessible shelters for women and girls who are victims of violence, including women with psychosocial or intellectual disabilities;

(d) Inadequate training of the staff, carers and families of persons with disabilities, health personnel and law enforcement officials to recognize all forms of exploitation, violence and abuse.

33. **The Committee recommends that the State party:**

(a) **Take all necessary steps to raise awareness about measures for the protection of persons with disabilities from exploitation, violence and abuse, and adopt a comprehensive strategy to prevent exploitation, violence and abuse targeting persons with disabilities, especially persons with psychosocial or intellectual disabilities and those who are institutionalized, and ensure that persons with disabilities have information about how to avoid, recognize and report cases and that persons with disabilities who are victims of exploitation, violence or abuse have access to independent**

complaint mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;

(b) **Ensure that data collected on violence against persons with disabilities identifies all instances of gender-based violence against women and girls with disabilities, in the private and public spheres, and also ensure budget allocations and access to support services for women and girls with disabilities who are victims of gender-based violence;**

(c) **Ensure that shelters for victims of violence are established and that the National Shelter Strategy (2018), which guides the development of a nationwide system of safe spaces for victims and survivors, includes a requirement to ensure that facilities and services provided are accessible to persons with disabilities, particularly women and children;**

(d) **Provide continuous training for the families of persons with disabilities and for their caregivers, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse, and to better communicate and work with persons with disabilities who are victims of violence.**

Living independently and being included in the community (art. 19)

34. The Committee observes with concern:

(a) The lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement;

(b) The absence of a deinstitutionalization strategy for persons with disabilities, including women and children with disabilities placed in existing residential institutions, and the lack of programmes for resettling of persons with disabilities, in particular persons with intellectual disabilities who cannot afford housing.

35. **The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community and recommends that the State party:**

(a) **Adopt a strategy that includes awareness-raising activities to promote understanding of the right of choice and self-determination of adults and children with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement, and the value of inclusion in, as opposed to segregation from, the community;**

(b) **Adopt a strategy for the process of deinstitutionalization of those adults and children with disabilities who are still in a residential setting and increase the availability of community-based services aimed at enabling persons to live independently and participate in the community.**

Personal mobility (art. 20)

36. The Committee notes that the Jamaica Council for Persons with Disabilities supports the mobility of persons with disabilities through the provision of Assistive Aid Grants, however it is concerned that the financial support only covers from 25 to 50 per cent of the total cost of some assistive devices, that only persons with disabilities who are registered with the Jamaica Council for Persons with Disabilities can benefit from the grants, that many of the assistive devices are not locally made and therefore depend on importation by private suppliers with high prices, and that are reported delays in the delivery of the assistive devices due to a long process for approving applications.

37. **The Committee recommends that the State party:**

(a) **Ensure access to quality mobility aids, devices and assistive technologies for all persons with disabilities irrespective of their registration status, in particular those who are unemployed or are low-income earners;**

(b) **Increase budget allocations for the Assistive Aid Grants to meet the increased costs and demand for the assistive devices and to ease the burden on the individuals who need them;**

(c) **Ensure affordability of assistive devices, including by introducing incentive measures and tax and customs exemptions for the purchase of assistive equipment and devices for persons with disabilities, and provide fiscal and capacity support for local enterprises with the interest and ability to manufacture aids for the local market.**

Freedom of expression and opinion, and access to information (art. 21)

38. The Committee is concerned:

(a) About the insufficient provision of information in accessible formats and of information and communications technology, such as Easy Read, plain language, captioning, sign language, Braille, audio description, and tactile, augmentative and alternative means of communication, in both public and private media outlets, and in particular on the websites that provide public information, and the lack of access to information and communications technology by persons with disabilities;

(b) That despite the widespread use of Jamaican Sign Language, it has not been recognized as a national language, and that the Special Education Policy in which it would be made official is pending adoption.

39. **The Committee recommends that the State party:**

(a) **Ensure the accessibility of all public information, including television and media services, for all persons with disabilities in accessible communication formats such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles by allocating adequate funding for its development, promotion and use, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities;**

(b) **Strengthen sign language training, and that sign language be recognized as an official language of the State party.**

Respect for home and the family (art. 23)

40. The Committee is concerned about the lack of support for children with disabilities and their families, in particular children who require high levels of support in rural areas, and for parents with disabilities to carry out their parental responsibilities.

41. **The Committee recommends that the State party strengthen its efforts by adopting legislative and other measures to ensure support for families of persons with disabilities, including support for parents with disabilities to raise their children in a family setting, including for those in rural areas.**

Education (art. 24)

42. The Committee notes some measures taken by the State party to ensure online education during the COVID-19 pandemic, however it is concerned:

(a) About the slow progress towards achieving inclusive education, the prevalence of special schools and classes, and the greater barriers to education faced by children requiring higher levels of support;

(b) That many parents of children with disabilities keep them at home until the age of 12, while school starts at 6, and often are compelled to enrol their children in regular schools without the necessary support services;

(c) That there is insufficient training for teachers and non-teaching staff on the right to inclusive education;

(d) That there are not enough accessible learning materials, alternative communication and information methods or teachers fluent in Jamaican Sign Language.

43. **Recalling its general comment No. 4 (2016) on the right to inclusive education, and target 4.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop a strategy for implementing quality inclusive education, with specific targets, timelines and a budget, and share responsibilities between the national and municipal levels, at all levels of education, including tertiary and vocational education;**

(b) **Strengthen measures, including financial resources, to provide individualized support as well as reasonable accommodation in education, when so required;**

(c) **Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access, and modes and means of communication including Easy Read, communication aids, and assistive and information technology, and make sure that there are enough teachers fluent in Jamaican Sign Language;**

(d) **Ensure continuous training for teachers and non-teaching staff on inclusive education at all levels, including training in sign language and other accessible formats for information and communication.**

Health (art. 25)

44. The Committee notes with concern:

(a) Information about barriers faced by persons with disabilities in gaining access to health-care services and equipment, including physical barriers faced by persons with vision impairments;

(b) The lack of access to sexual and reproductive health-care services for persons with disabilities, particularly all women with disabilities, including those with intellectual or psychosocial disabilities;

(c) Information about the lack of awareness by health-care service managers and medical staff on the rights of persons with disabilities, including persons with hearing impairments, and the lack of accessible communication with users of health services;

(d) The obstacles for persons with disabilities in procuring medicines for the treatment of disability-related health conditions, as they are not considered to be on the essential list, as well as long delays for scheduling and waiting for medical appointments;

(e) That persons with disabilities have faced obstacles in gaining access to health care throughout the COVID-19 pandemic;

(f) The insufficient early intervention and alternative care with regard to mental health, including support within families.

45. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen action plans to ensure the accessibility and availability of health-care services and equipment for persons with disabilities;**

(b) **Provide persons with disabilities, in particular women and girls, with access to sexual and reproductive health care and services and ensure supported decision-making for women with intellectual or psychosocial disabilities so that they can reaffirm their sexual and reproductive autonomy and self-determination;**

(c) **Develop training for health-care professionals on the rights of persons with disabilities, including on their skills, support measures, and information and communication means and methods, and provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, particularly persons with intellectual or psychosocial disabilities and women and girls with disabilities;**

(d) **Ensure that the National Health Fund is comprehensive and covers all essential services and drugs, including those needed to specifically treat disability-related health problems;**

(e) **Provide all persons with disabilities with access to all the health-care services available for the general population during the COVID-19 pandemic, ensuring priority access to diagnostic, vaccination and recovery treatments;**

(f) **Intensify campaigns on mental health awareness to destigmatize mental health and encourage early use of services by all members of the community.**

Habilitation and rehabilitation (art. 26)

46. The Committee notes with concern the barriers faced by persons with disabilities in gaining access to rehabilitation services, including in rural areas.

47. **The Committee recommends that the State party expand habilitation and rehabilitation systems and ensure that persons with disabilities, including children with disabilities in rural areas, have access to habilitation and rehabilitation on the basis of their individual requirements.**

Work and employment (art. 27)

48. The Committee notes with concern:

(a) That despite the provision in the National Policy for Persons with Disabilities that a minimum of 5 per cent of jobs in the public sector should be reserved for persons with disabilities, only 15.3 per cent of persons with disabilities are in gainful employment;

(b) That the measures taken to promote the employment of persons with disabilities are insufficient to ensure access to the open labour market by persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities, due to the delay in the enactment of the Disability Act, 2014, the attitudinal barriers deterring employers from hiring persons with disabilities, and the physical barriers in the work environment, in particular the reported lack of accessible transportation and accessible information, including for job seekers;

(c) The limited participation of persons with disabilities in market-orientated job training programmes, due to lack of physical access and sign language interpretation resulting from a limited number of sign language interpreters being available and the high cost of services;

(d) That despite there being some programmes for persons with disabilities who are graduating, the percentage of graduates who are successfully absorbed in the labour market remains very low;

(e) The lack of official data or statistics on persons with disabilities employed in the public and private sectors.

49. **The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

(a) **Expedite the implementation of the reserving of 5 per cent of jobs for persons with disabilities, as provided in the National Policy for Persons with Disabilities and the Disability Act, 2014, while taking effective measures to combat discrimination particularly in relation to advertisements, recruitment processes, reasonable accommodation, retraining, promotion, and other rights related to work and employment;**

(b) **Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities;**

(c) **Adopt measures to combat attitudinal barriers among employers, and adopt an action plan to assess periodically accessibility in the workplace, including access to transportation, alternative means of information and communication, sign language, and speech-to-text interpretation and pictograms for jobseekers and employees. The State party should adopt policies and procedures that establish and support the development of infrastructure for the provision of personal assistance in the workplace;**

(d) **Enhance the participation of persons with disabilities in market-oriented job training programmes by enforcing physical access and the availability and affordability of sign language interpretation;**

(e) **Expand the national employment programmes to enhance the transition from education to the labour market for persons with disabilities, in particular persons with intellectual and psychosocial disabilities;**

(f) **Collect disaggregated data on the employment of persons with disabilities in the public, private and informal sectors.**

Adequate standard of living and social protection (art. 28)

50. The Committee notes with concern the high number of persons with disabilities living in poverty and without a regular source of income, and the absence of a comprehensive social protection system guaranteeing to persons with disabilities and their families access to an adequate standard of living, including resources to cover expenses related to disability.

51. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and to promote the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:**

(a) **Develop social protection and poverty reduction strategies targeting persons with disabilities;**

(b) **Set up a universal social protection scheme to ensure an adequate standard of living for persons with disabilities, including through systems of compensation in the form of allowances that will allow persons with disabilities to cover the costs related to disability;**

(c) **Include a disability perspective in programmes to promote an adequate standard of living, including programmes to increase access to safe and affordable drinking water and sanitation and initiatives to that end in rural and remote areas.**

Participation in political and public life (art. 29)

52. The Committee notes with concern:

(a) The discriminatory provisions excluding persons with psychosocial disabilities from appointment as members of the Senate, from election as members of the House of Representatives and from voting, as well as section 34 of the Disability Act, 2014, which prevents them from participation in civil society and from establishing their own organizations;

(b) The lack of measures taken to ensure the participation in political and public life of persons with disabilities, including deaf persons, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons and women with disabilities, who are underrepresented;

(c) The lack of accessibility to polling stations, voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes, and online or printed election materials, all of which limits the effective political participation of persons with hearing impairments and persons with intellectual disabilities;

(d) The lack of information available to election officers on different needs of persons with disabilities registered to vote in their stations.

53. **The Committee recommends that the State party:**

(a) **Repeal all discriminatory provisions denying the rights of persons with disabilities to fully participate in political and public life;**

(b) **Introduce specific measures to ensure equality and participation of underrepresented groups of persons with disabilities, including deaf persons, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons, and women with disabilities;**

(c) **Guarantee that electoral and voting procedures, facilities, and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities;**

(d) **Develop a voter registration database with information on voters with disabilities, disaggregated by sex, age and impairment, and avail election officers of the information prior to the voting to enable them to prepare and to ensure full participation of persons with disabilities.**

Participation in cultural life, recreation, leisure and sport (art. 30)

54. The Committee is concerned:

(a) That despite the adoption of the Copyright Amendment Act in 2015 to facilitate access to published work for persons with disabilities who are blind or visually impaired, the State party has not yet ratified the Marrakesh Treaty and has not adopted national legislation;

(b) At the limited access for deaf persons to arts and cultural events, as sign language interpretation service is not generally provided in most cultural places;

(c) That cultural centres, theatres and library services which provide access to the Internet by persons with disabilities, including computers with speech software for persons with visual impairments, are sometimes inaccessible and far away from the community, and that the availability of audio materials is very limited.

55. **The Committee recommends that the State party adopt measures to promote and protect the rights of persons with disabilities, particularly children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others, as well as to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

56. While noting some efforts undertaken by the State party in collecting data, such as the Annual Jamaica Survey on living conditions, and the 2022 Population and Housing Census, which will include data and statistics on persons with disabilities, the Committee notes with concern:

(a) The remaining gaps in collecting disaggregated data and statistics on persons with disabilities in all areas covered by the Convention, mainly due to the lack of disability-related questions in the national census;

(b) The lack of systematic and comprehensive research about the living conditions of persons with disabilities and the need to identify the barriers faced by persons with disabilities in exercising their rights.

57. **The Committee recalls the Washington Group short set of questions on disability and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities and recommends that the State party:**

(a) **Develop a system and procedures for collecting data on persons with disabilities disaggregated by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence. The system and procedures should ensure confidentiality and respect the privacy of persons with disabilities;**

(b) **Allocate funds to undertake periodic research on the rights of persons with disabilities with the aim of identifying barriers to their implementation. The State party should build the capacity of municipal authorities to conduct periodic research on barriers to the inclusion of persons with disabilities;**

(c) **Support independent and participatory research, both quantitative and qualitative, to inform the disability-related policies and measures taken for ensuring the rights of persons with disabilities.**

International cooperation (art. 32)

58. The Committee notes with concern that the organizations of persons with disabilities are not always consulted in the scope of international multilateral cooperation programmes.

59. **The Committee recommends that organizations of persons with disabilities be effectively consulted and involved at all stages of the development and implementation of international cooperation plans, programmes and projects.**

National implementation and monitoring (art. 33)

60. While noting the information provided by the State party delegation that the Jamaica Council for Persons with Disabilities is acting as a focal point for the national implementation of the Convention, the Committee notes with concern that the State party has not yet appointed an independent monitoring mechanism, as it does not have a national human rights institution. It is also concerned that persons with disabilities through their representative organizations are not involved in the implementation and monitoring of the Convention.

61. **The Committee recommends that the State party:**

(a) **Establish a national human rights institution and designate an independent monitoring framework, including one or more independent mechanisms, that, among other responsibilities, can submit alternative reports to the Committee;**

(b) **Ensure that persons with disabilities and the whole range of their representative organizations are effectively involved in monitoring the implementation of the Convention, including during the COVID-19 pandemic.**

IV. Follow-up

Dissemination of information

62. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations falling under articles 5 and 14 of the Convention.**

63. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

64. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

65. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

66. The Committee requests the State party to submit its combined second to fifth periodic reports by 30 April 2025 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
