



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Jamaica\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please describe the efforts taken by the State party to ensure that the concept of disability in its legislation is fully in line with the human rights model of disability enshrined in the Convention, particularly in the National Policy for Persons with Disability and the Disability Act (2014). Please inform the Committee of the progress made towards domestication of the Convention and the extent to which persons with disabilities can invoke its provisions in court proceedings.
2. Please inform the Committee on the efforts made by the State party to ensure the meaningful consultation and effective participation of representative organizations of persons with disabilities in decision-making, especially on matters that affect them.
3. Please explain the efforts taken to repeal all derogatory language related to disability in laws and policies, such as “insane” and “of unsound mind”.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

4. Please provide information on measures taken to:
  - (a) Adopt comprehensive anti-discrimination legislation that includes the denial of reasonable accommodation as a prohibited form of discrimination on the basis of disability and measures to prevent multiple and intersectional discrimination faced by persons with disabilities, particularly women, girls and persons with psychosocial or intellectual disabilities;
  - (b) Implement specific measures, including affirmative action measures for jobs in the public sector to be reserved for persons with disabilities, and for housing to be reserved for purchase by persons with disabilities;
  - (c) End cultural practices that discriminate against persons with disabilities, particularly women and girls with disabilities.

##### Women with disabilities (art. 6)

5. Please provide information about measures taken to:
  - (a) Empower women and girls with disabilities as rights holders, including efforts to consult with and include representative organizations of women and girls with disabilities in decision-making processes concerning all matters that affect them;

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\* Adopted by the pre-sessional working group at its eleventh session (8–11 April 2019).



(b) Remove specific barriers faced by women and girls with disabilities in gaining access to justice, particularly for women and girls with psychosocial or intellectual disabilities.

**Children with disabilities (art. 7)**

6. Please describe:

(a) Measures to ensure that the opinions and views of all children with disabilities are given equal weight in accordance with their age and maturity, on the decision-making processes that affect them, including mechanisms to protect their rights;

(b) Progress in expanding the Early Stimulation Programme outside of Kingston and Portland;

(c) Progress and the results so far of the project “Strengthening the Inclusion of Children with Disabilities 2017–2019” and on other measures to combat inequality in the treatment of children with disabilities.

**Awareness-raising (art. 8)**

7. Please provide information on:

(a) The inclusion of persons with disabilities and their representative organizations in governmental awareness-raising programmes, including their impact on the society in general;

(b) Public education and sensitization programmes on the rights of persons with disabilities in the community and measures to combat stereotypes and prejudices against persons with disabilities, including the role of the media in awareness-raising campaigns.

**Accessibility (art. 9)**

8. Please inform the Committee on:

(a) The timeline to enact the Building Act and a new national Building Code and resources allocated to ensure that persons with disabilities have access to buildings, transportation and other facilities and services open or provided to the public, and to information and communication technologies;

(b) Any plans to reactivate the Jamaica Library service, which assists persons who are blind and visually impaired to read and access the Internet;

(c) Measures to enforce the existing Building Code by the parish councils, particularly to implement the accessibility of parking spaces, including by enforcing sanctions for lack of compliance with accessibility standards.

**Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on:

(a) Existing protocols ensuring that the requirements of persons with disabilities, particularly children, are prioritized in emergencies, including measures to consult with and include representative organizations of persons with disabilities in the response procedure of the Office of Disaster Preparedness and Emergency Management to natural disasters or humanitarian emergencies;

(b) Plans to adopt a disaster-reduction strategy that provides for accessibility and inclusion of persons with disabilities in all situations of risk, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

**Equal recognition before the law (art. 12)**

10. Please provide information on:

(a) Measures to amend the Mental Health Act and eliminate all forms of substituted decision-making and practices that limit the legal capacity of persons with

disabilities, including in relation to making a will and entering into contracts, and taking decisions that affect their lives, especially affecting persons with psychosocial or intellectual disabilities;

(b) Measures in place to facilitate supported decision-making in line with the Committee's general comment no. 1 (2014) on equal recognition before the law.

### **Access to justice (art. 13)**

11. Please provide information on:

(a) Measures taken to provide accessibility for persons with disabilities in all areas of law and at all levels of judicial and administrative procedures, with information in accessible formats, as well as to ensure physical accessibility of court buildings and all judicial facilities;

(b) Measures to provide procedural accommodations, and gender- and age-appropriate accommodations in judicial proceedings for persons with disabilities;

(c) Programmes for the systematic and continuous training of judicial and police personnel on the Convention and the requirements of persons with disabilities, including sign language;

(d) Steps to implement the recommendations from the consultation on justice reform, particularly those relating to the revision of legislation and regulations.

### **Liberty and security of the person (art. 14)**

12. Please provide information on:

(a) Measures to repeal legislation that allows for deprivation of liberty and forced treatment on the grounds of perceived or actual impairment of a person;

(b) Measures allowing persons with disabilities to seek redress for being arbitrarily or unlawfully detained;

(c) The number of persons with disabilities deprived of their liberty in institutions and places of detention, disaggregated according to sex and type of impairment, and any measures in place to protect their liberty and security, including periodic review mechanisms;

(d) Measures to train health professionals and judicial and prison officials on the rights and dignity of persons with disabilities in institutions and detention centres.

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

13. Please provide information about:

(a) Legislative and policy measures to ensure that persons with disabilities, especially children with psychosocial or intellectual disabilities, are not subjected to torture or to cruel, inhuman or degrading treatment or punishment, including corporal punishment;

(b) Access to independent monitoring and complaint mechanisms and remedies available for persons with disabilities in institutions, and disaggregated data on investigations, prosecutions and disciplinary sanctions against perpetrators of torture and ill-treatment;

(c) Measures to prohibit any form of forced treatment on persons with disabilities who are deprived of their liberty in psychiatric hospitals and social care institutions.

14. Please provide information on the measures adopted to prevent medical experimentation, treatment or procedures to be performed on persons deemed to lack legal capacity, authorized by one's parents or caregivers. Please provide information on the development of a redress mechanism to ensure that victims of such treatment have a right to an effective remedy.

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

15. Please provide information about:

(a) Concrete measures to prevent and protect persons with disabilities, especially women, children and persons with psychosocial or intellectual disabilities, from any form of exploitation, violence and abuse, in all settings, including at home and in institutions;

(b) Provisions to make shelters for victims of exploitation, violence and abuse universally accessible, particularly for women with disabilities;

(c) Adequate measures taken to train police, prison and judicial officials, social workers, health professionals and other interlocutors working with persons with disabilities on identifying and responding to cases of exploitation, violence and abuse.

16. In line with Sustainable Development Goal 5.2 on the elimination of all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other forms of exploitation, please provide statistical data and information on gender-based violence against women and girls with disabilities and on any programmes designed to protect and support women and girls with disabilities who are victims of gender-based violence, particularly women and girls with psychosocial or intellectual disabilities.

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

17. Please provide information about:

(a) Measures to implement the right to live independently and be included in the community, including the right to choose freely where and with whom to live;

(b) Measures to deinstitutionalize persons with intellectual disabilities from mental health facilities and provide them with services for supported living in the community;

(c) Disaggregated data on the number of persons with disabilities living in institutions and plans for the deinstitutionalization of persons with disabilities, including public policies, strategies and programmes, and resources allocated to establish and develop community support services for persons with disabilities, such as personal assistance, at the national and local levels.

**Personal mobility (art. 20)**

18. Please indicate measures taken to support the personal mobility of persons with disabilities, especially children with disabilities and persons with disabilities in rural areas, including mobility aids and assistive devices.

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

19. Please provide information on:

(a) Measures taken to make information available in accessible formats for persons with disabilities, including making websites accessible;

(b) Whether Jamaican sign language has been adopted as an official language.

**Respect for home and the family (art. 23)**

20. Please provide information about support for children with disabilities and their parents, and for parents with disabilities, to carry out their parenting responsibilities and prevent separation of a child on the basis of disabilities of either the child or one or both of the parents. Please indicate measures to provide accessible and age-appropriate information, and reproductive and family planning education in accessible formats to persons with disabilities.

**Education (art. 24)**

21. Please provide information on measures taken to:

(a) Transform the education system to ensure inclusive education, including information on budgetary allocations, individualized supports available to children with disabilities, teacher training programmes and accessibility of schools;

(b) Ensure more trained and supported professionals to carry out the early multidisciplinary assessment of requirements and individualized support for each child;

(c) Consider the barriers faced by students with disabilities in traditional systems of appraising and assessment, such as the Caribbean Secondary Education Council Examinations;

(d) Expand the Early Stimulation Programme island-wide, including by providing financial support to non-governmental organizations that provide this service in the areas that are not served by the State party.

### **Health (art. 25)**

22. Please provide information about:

(a) Accessibility of health-care facilities and services for persons with disabilities, including the physical environment and information in accessible formats such as Braille, sign language and Easy Read;

(b) Measures to ensure that persons with disabilities, particularly women and girls with disabilities, can exercise their right to health on an equal basis with others, including sexual and reproductive health, and their right to free and informed consent on health matters, and measures to ensure privacy in all medical consultation and provision of medical services;

(c) Measures to provide systematic training to health professionals on the rights of persons with disabilities, in particular on the Convention, and to end discriminatory and negative attitudes against persons with disabilities.

### **Habilitation and rehabilitation (art. 26)**

23. Please explain the measures taken to extend habilitation and rehabilitation services to all categories of persons with disabilities.

### **Work and employment (art. 27)**

24. Please provide information about:

(a) The rate of persons with disabilities employed in the open labour market, disaggregated according to sex and impairment type;

(b) Measures to increase employment rates for persons with disabilities, especially for women and persons with psychosocial or intellectual disabilities;

(c) Measures to facilitate retraining and re-employment of persons with disabilities made redundant;

(d) Measures adopted to provide reasonable accommodation in the workplace for persons with disabilities, and to ensure accessible workplaces, including sanctions against the employers who fail to comply.

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

25. Please provide information about measures to ensure that all persons with disabilities are provided with disability grants, in particular children with disabilities and their families, older persons with disabilities and persons with disabilities in rural areas, to enable them to meet the cost of disability-related expenses. Indicate whether disability will be considered among the criteria for entitlements under the proposed National Social Protection Strategy.

**Participation in political and public life (art. 29)**

26. Please describe concrete measures to increase the representation of persons with disabilities, particularly women with disabilities, in parliament and the parish council legislatures, including measures to improve accessibility to the physical environment of voting centres, and availability of information in accessible formats, particularly in rural areas, as well as secrecy in voting.

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

27. Please provide information on measures to:

(a) Ensure that cultural products, including films and literature, are accessible to persons with disabilities;

(b) Encourage and promote participation to the fullest extent possible of persons with disabilities in mainstream cultural and sporting activities at all levels;

(c) Improve physical access to cultural and national sport facilities.

28. Please also provide information on measures towards ratification of 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)**

29. Please provide information on:

(a) Measures to raise awareness about the Disability Registry and the support programmes offered to persons with disabilities registered with it;

(b) The use of the Washington Group short set of questions on disability in statistical data-collection policies and programmes, including in censuses and household surveys;

(c) The availability of statistical information in accessible formats for persons with disabilities.

**International cooperation (art. 32)**

30. Please provide information on how persons with disabilities and their representative organizations are consulted and involved in the design and implementation of international cooperation agreements.

**National implementation and monitoring (art. 33)**

31. Please provide information about:

(a) The role of the Jamaica Council for Persons with Disabilities with regard to the focal points to be designated under article 33, paragraph 1, of the Convention and comment on the situation of other focal points within government to implement the Convention;

(b) Progress made in establishing an independent monitoring mechanism, with budgetary allocations, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) to monitor the implementation of the Convention, including measures for ensuring the full and effective participation of persons with disabilities and their representative organizations within such a framework.

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