



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session

Summary record of the 746th meeting (Chamber B)

Held at Headquarters, New York, on Friday, 11 August 2006, at 3 p.m.

Chairperson: Ms. Manalo

later: Ms. Belmihoub-Zerdani (Vice-Chairperson)

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fifth periodic report of Jamaica (continued)
(CEDAW/C/JAM/5; CEDAW/C/JAM/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Jamaica took places at the Committee table.*

Article 7 (continued)

2. **Ms. Webster** (Jamaica), referring to educational programmes targeting men, said that all the public education programmes of the Bureau of Women's Affairs, in both urban and rural areas, targeted the whole community. The Bureau also had specific programmes to sensitize and educate men on gender-based issues. In addition, women's and children's non-governmental organizations (NGOs) were actively involved in raising the awareness of men on issues affecting women and girls, and the NGOs working with children also targeted adolescent fathers.

3. Jamaica had recently been involved in organizing a Caribbean conference entitled "Man Talk: Caribbean Male Perspectives on Issues of Manhood and Gender Equality". The purpose had been to raise the awareness and increase the sensitivity of Caribbean men involved in influential organizations and in inner city communities to gender issues.

4. There were multiple examples of both the electronic and the print media being used to highlight the successes of women in public and private life. In recent months the radio programme, "The Breakfast Club" had been interviewing women who had pierced the glass ceiling. The two most popular newspapers published women's magazines, which highlighted successful women, and talk shows invited women as panellists and speakers.

5. Women were very much involved as community leaders in both rural and urban areas and even as leaders in faith-based organizations. The Bureau's community liaison department worked with rural women to promote gender equality and empowerment to improve their quality of life; it employed strategies such as capacity-building and increasing access to

information on relevant legislation, and the Convention and the Optional Protocol, for example. It also listened to their experiences to understand the difficulties they faced and the resulting policy implications.

6. Over the years, the party in power had increased the participation of women in politics. The fact that Jamaica had a woman Prime Minister was motivating younger women to consider entering representational politics. The Prime Minister, who was also responsible for women's affairs, had stated her commitment to ensure that more women entered the political arena and her intention to work closely with the opposition to achieve that and other goals for the empowerment of women.

7. Regarding a quota system for the participation of women in the political sphere, the Bureau of Women's Affairs had been working actively to promote the participation of women in politics and also to develop a draft resolution in that regard. Over the years, the matter of a quota system had been raised as a temporary measure, but it had recently been proposed in the form of a resolution and it was hoped that it would be endorsed by the members of Parliament.

Articles 10 to 14

8. **Mr. Flinterman** commended the Government of Jamaica for the progress made in the area of both general and adult education. It was interesting to see that girls outperformed boys at all levels; that appeared to be the experience throughout the world. Nevertheless, the report was unclear as to whether education was compulsory. According to paragraph 150, legislative measures ensured equal access to education for males and females and provided for free compulsory education. However, in paragraph 170, the report stated that primary education was provided for all children but was not compulsory. Consequently, he wished to know whether education was compulsory, whether children aged 7 to 11 were required to attend school and, if not, whether the Government was intending to make primary education truly compulsory. Also, if primary education was compulsory, it would be useful to know the Government's policy towards parents who did not send their children to school.

9. Clarification would also be useful of paragraph 78, referring to the influence of the patriarchal perspective on school administration. The head of the delegation had already mentioned that it was an area

where structural change was needed, yet from the answers to the questions raised by the Committee, it appeared that the Government was retreating from a commitment to change. A number of measures could be taken at the level of primary and secondary education and it would be interesting to know what the Government's intentions were in that area.

10. Both same-sex schools and co-educational schools existed in Jamaica and research had shown that girls did better in many, although not all, subjects in same-sex schools. The Convention did not prescribe any specific type of school system, but he would like to know if there were both types of schools at all levels and also whether same-sex schools might contribute to strengthening stereotypical thinking on the roles of men and women in society.

11. He asked whether a time frame had been established for completing the revision of textbooks at both the primary and secondary level that currently depicted stereotypical notions of male and female behaviour.

12. Lastly, the tables on the teaching profession showed that women dominated the profession; however, most school principals were men. He wondered whether the Government had policies to change that situation, particularly in public schools. It would also be interesting to know the percentage of women professors at the university level.

13. **Ms. Arocha** said it was commendable that the Jamaican Government's efforts in the area of education and training had resulted in an increased presence of women in the country's workforce. Nevertheless, the Committee needed to obtain a clearer picture of the situation, because the report had not presented gender-disaggregated information by region or by the different sectors of the economy. Although it was clear that women predominated in the service sector, it would be interesting to have information on the situation in other sectors, particularly those that were most important for the Jamaican economy, as well as on the situation of employment in rural areas.

14. When examining the country's previous report in 2001, the Committee had recommended that the Government introduce specific legislation to protect women who worked in maquiladora industries and free zone areas. There was no specific mention of such legislation in the most recent report. Regulations on such industries varied in the different countries of

Central America and the Caribbean and they tended to move from countries that established more stringent regulations to others where the regulations were more lax. Further information should be provided on the situation of women working in such industries and whether there had been any progress in the regulation of their labour rights.

15. Since Jamaica was a major tourist destination, tourism was an important source of revenue. It would be useful if the delegation could provide information on the employment categories where women were present and, in view of the reported increase of qualified women in the labour market, whether women currently occupied management positions in the tourist industry.

16. Lastly, the Caribbean islands were frequently affected by prolonged droughts and hurricanes, which affected productivity and income. She asked if there were any special programmes to protect women working in agriculture and in rural areas in general.

17. *Ms. Belmihoub-Zerdani (Vice-Chairperson) took the Chair.*

18. **Ms. Patten** said it was unfortunate that more information had not been provided on the implementation of article 11. Nevertheless, the situation of women appeared to be quite bleak since, according to the report, there was discrimination in many areas restricting employment opportunities for women; also women were largely absent from management and decision-making levels in the private sector. She asked what priority the Government was giving to the amendment of section 3(2) of the Employment (Equal Pay for Men and Women) Act of 1975 to provide for equal remuneration for work of equal value and, how the Government intended to address the different forms of discrimination faced by women with regard to pay inequality and poor working conditions.

19. It appeared from a report in the 2002 statistical bulletin published by the Ministry of Labour and Social Security that women made more complaints than men under the Maternity Leave Act and also with regard to the Employment (Termination and Redundancy Payments) Act. The report stated that the Ministry had received no response from employers in the case of complaints by women; whereas, they had responded positively to all similar complaints made by men. She recommended that the Bureau of Women's

Affairs should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes.

20. Noting that sexual harassment was a major problem in Jamaican society, she asked when the model legislation mentioned in the country report would be adopted, and whether there were plans for ending occupational segregation, placing women in managerial positions, encouraging them to take up non-traditional jobs and encouraging men to seek employment in the social sector. She asked if the wage structure in female-dominated professions such as teaching, nursing and childcare would be reviewed to raise their low status and earnings. More information was needed on how the issue of maternity protection for domestic and seasonal workers would be addressed. She wondered whether the law prohibiting discrimination only on the basis of marital status would be revised to prohibit discrimination based on family responsibilities and potential pregnancy as well. She wished to receive details about the Labour Inspectorate. There had been reports of child labour, including child prostitution and child pornography, and it would be helpful to know how the newly established office of Children's Advocate was addressing that matter.

21. **Ms. Bailey** (Jamaica) said that girls were outperforming boys academically. However, a distinction should be drawn between low participation and low performance on the part of boys, as those boys who remained in school were performing creditably. Education was compulsory, although that was neither monitored nor enforced. However, there was almost 100 net per cent enrolment for both sexes. Single-sex schools existed only at the secondary level. In single-sex schools there were situations which were prejudicial to both sexes. For example, there were no wood workshops or courses in metalworking or electronics at girls' schools, while at boys' schools there were no courses in food and nutrition or clothing and textiles. At co-educational schools, the full range of subjects was offered, but due to scheduling practices, it often seemed as if there were two single-sex schools within a single institution. Textbooks conveyed strong gender biases. However, textbook publishers were now aware of the need to eliminate biases. Such changes would come primarily from publishers, but work was also being done to build awareness among teachers who selected textbooks.

22. It was difficult to establish the gender breakdown in the labour market sector by sector. It would be necessary to take measures in order to receive such statistics. Large numbers of women were involved in service and sales work, but information in regard to employment in the tourist sector specifically was lacking.

23. **Ms. Webster** (Jamaica) said that free trade zones no longer existed. Most multinational corporations had moved their operations to other countries where labour was less expensive, so the issue of labour rights in free trade areas was moot. In the tourism sector, women were employed in crafts, health and wellness, hospitality and hotels. There were few women in top management.

24. Attempts were being made to mainstream a gender perspective in national hazard reduction. The Bureau was learning more about the issue through meetings with representatives of the national emergency response agency and other experts. The Government had programmes to assist both men and women who needed help starting over after losing property or crops. There was also a programme to assist women in getting housing and, where necessary, food.

25. A policy on sexual harassment was being developed. It was hoped that a cabinet submission would be drafted shortly and that the bill would be placed on the next legislative agenda.

26. **Ms. Macaulay** (Jamaica) said that compulsory education was enshrined in the Child Care and Protection Act, with a mandatory burden placed on every person who had care and custody of a child to ensure that the child was enrolled and attended school. When the Charter of Rights, Bills and Freedoms was passed, free education would become a constitutional right.

27. The office of Children's Advocate had been established six months earlier, but was not yet fully operational. The law under which the office had been set up stated clearly what the Advocate's powers were. Anyone who had knowledge of a child involved in prostitution or pornography was required to report it to the children's registry. The Advocate was required to provide whatever legal representation and assistance the child needed.

28. **Ms. Boxill** (Jamaica) said that the bill on sexual harassment should be enacted by Parliament without delay because the policy that had informed the bill had been prepared with the involvement of all the stakeholders and it was unlikely that a lengthy consultation with a Joint Select Committee would be necessary. In relation to concerns about legislation on maternity leave, she confirmed that domestic workers were granted maternity leave under the provisions of the National Insurance Scheme rather than the Maternity Leave Act. Most employers of domestic workers were women and the Maternity Leave Act would have obliged those employers to pay for the worker's leave and employ a substitute. Domestic workers on maternity leave received benefits from the National Insurance Scheme that corresponded to the minimum wage. Those benefits were reviewed on a yearly basis.

29. **Ms. Dairiam** said that there was insufficient empirical evidence in the report relating to the health care provided to women and it would be useful to have further information. The report stated that women made twice the number of hospital visits as men and 56 per cent of those hospital visits related to obstetric services. However, it was important to monitor women's access to health care holistically and not only from the perspective of maternal health. It would be interesting to learn how the Committee's general recommendation No. 24 had influenced the provision of health care services to women.

30. In spite of the National Strategic Plan on HIV/AIDS/STI 2002-2006, the HIV infection rate among young girls was very high and it would be useful to learn if a midterm evaluation of that plan had been carried out and if it had resulted in lower infection rates among young girls. The Committee would also appreciate knowing if contraception services had led to a reduction in the number of teenage pregnancies. Unsafe abortion was the fifth highest cause of maternal deaths and 10 per cent of girls between the ages of 10 and 19 had decided to have an abortion. Pending the legislation that would identify the conditions under which abortions could be performed, further information should be provided about the use and application of the Government policy on abortion and about the availability of abortion services. It would be interesting to learn if the USAID Mexico City policy, which stipulated that non-governmental organizations could not provide

women with information about abortion, had affected or increased the abortion rate and if the effects of that policy had been monitored by the Government.

31. The Committee would welcome additional information on the gender emphasis of the structural adjustment programme and on any research that had been carried out on its effects on women. It would be interesting to learn if that research had impacted on the reform process and whether discrimination and stereotyping were addressed in the national Poverty Reduction Strategy. In relation to microenterprises, credit aid and the Social Safety Net Reform Programme, it seemed that the microlevel projects were welfare-orientated and fragmented, and the delegation should clarify whether the Government had implemented strategies to deal with the problems faced by small farmers and women in relation to price competitiveness. Further details about available training programmes and the creation of alternative employment opportunities should be provided. The Committee would appreciate additional information on the progress made in reducing the poverty levels of rural women and the targets that had been set by the Government to provide water coverage in the context of the national resource management programme.

32. **Ms. Bailey** (Jamaica) said that in the future her delegation could provide further data relating to women's access to health care. That data would not apply only to maternal health; it would cover different groups of women and different kinds of health treatment. In connection with the structural adjustment programme, there was a cost-sharing scheme in place and the ability of women to pay for services was assessed.

33. **Ms. Macaulay** (Jamaica) said that information relating to the 1975 Ministry of Health Policy was not widely disseminated in the media but pregnant women who used public health centres were informed about the policy and were immediately offered counselling. It was true that non-governmental organizations had been affected by the USAID Mexico City policy, but the Government had established an advisory group to start work on legislation and to inform the public that abortion itself was not illegal. What was illegal was the procurement of abortion by unlawful means. It was evident that the number of abortions performed on young girls was high and it would be necessary to carry out a study to analyse the underlying reasons for that abortion rate. In order to present a bill on abortion,

the Government would have to convince Jamaicans that the bill was in the best interests of women because abortion was an emotional subject. One of the main reasons that the USAID Mexico City policy had not been effective was that the Government had established contraceptive advice, counselling and treatment for girls under the age of 16 at health centres. The girls were encouraged to provide the health centres with evidence of parental consent but they could not be refused treatment if they did not have it.

34. **Ms. Ingleton** (Jamaica) said that the Government was working closely with UNAIDS in New York and Geneva to combat the HIV infection rate in young girls. At the last high-level meeting it was agreed that prevention remained the greatest challenge throughout the world. It was difficult to legislate on sex and change behaviour. In order to achieve a higher level of prevention it was necessary to provide risk groups with education and guidance. The Government would take a more proactive approach and would target young girls, commercial sex workers and prisoners.

35. **Ms. Webster** (Jamaica) said that her Government's national poverty eradication programme sought to reduce the number of persons living below the poverty line through a range of social, economic and infrastructural interventions. The programme included, inter alia, the Jamaica Social Investment Fund, Micro Investment Development Agency and a social and economic support programme to address the problems of women in rural areas, where poverty was greatest. A rural electrification programme was also currently being pursued. There was a social safety net arrangement to protect vulnerable population groups. Her Government had given the issues involving rural women high priority. The national poverty eradication programme would be reviewed and revised as necessary, and consideration would be given to ensuring that a gender perspective would be mainstreamed throughout it. Furthermore, the programme included loans for women running microbusinesses and measures to facilitate employment opportunities for the poor, especially women.

36. **The Chairperson**, speaking as an expert, noted the increasing cost of servicing public debt mentioned in the concluding observations of the Committee on Economic, Social and Cultural Rights as a factor impeding the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1/Add.75). Jamaica had been able to reduce its

debt using a structural adjustment programme, which had a negative impact on its ability to carry out programmes in such areas as health care, poverty reduction, clean drinking water and education. She would like to know whether Jamaica had benefited, as had some African countries, from debt or debt-servicing cancellation. Debt forgiveness would enable Jamaica to devote greater resources to women's needs, particularly in rural areas, including access to health care and costly medicines like antiretroviral drugs, and to the implementation of the Convention. The Jamaican delegation might therefore give some attention to efforts to have at least part of the debt forgiven. If women's groups were involved in advocating the reduction in the debt burden, in Jamaica and throughout the Caribbean region, the Committee would be able to provide them with support.

Article 16

37. **Ms. Shin** said that the age of consent in Jamaica, which was set at 16, would constitute child marriage under the criteria used in the Convention on the Rights of the Child. She would like to know the percentage of girls between the age of 16 and 18 who had entered into legal or de facto marriage. No matter how mature a girl might be at age 16, marriage had implications for her education, health and other areas. She therefore wondered whether the Government of Jamaica was willing to raise the minimum age to 18.

38. Clarification was needed on the Children (Guardianship and Custody) Act referred to in paragraph 365 of the report, which stated that the father was "taken to be the natural guardian of the child" and that "males and females [had] equal rights in relation to the guardianship and adoption of children". It was unclear whether a father and mother had equal powers in exercising guardianship and, if so, why the father was taken to be the natural guardian of the child.

39. **Ms. Boxill** (Jamaica) said that under section 3 of the Marriage Act, parental consent was required for a person between the age of 16 and 18 to enter into marriage. Persons between age 16 and 18, the current age of legal majority, had legal capacity to consent to medical, surgical and dental treatment. The age of consent for sexual intercourse was 16. It had always been recognized that for certain purposes persons under the age of majority were competent to give their

consent in some areas, including to marriage, even when the age of majority had been 21.

40. **Ms. Macaulay** (Jamaica) said that her delegation regretted the confusing statement in paragraph 365 of the report. In fact both mothers and fathers had equal rights with respect to custody and guardianship of their children. The law was quite clear on that matter. The old law stated that the father was taken to be the natural guardian of the child, but that was no longer the case.

Follow-up questions

41. **Ms. Dairiam**, noting that domestic workers received maternity health benefits through the National Insurance Scheme, which lessened the burden on their employers who were mostly women, said that she would like more information on the effectiveness of the plan. It would be useful to have specific empirical data on how such workers were benefiting from the scheme in practice.

42. **Mr. Flinterman** drew attention to general recommendation No. 21, which stated, inter alia, that the Committee considered that the minimum age for marriage should be 18 years for both men and women, as marriage entailed important responsibilities. At age 16, even with parental consent, it was very difficult for persons in any country to assume such responsibilities.

43. Secondly, as the Convention concerned the elimination of all forms of discrimination against women, article 1 provided a comprehensive definition of discrimination in the public and private sphere, including both direct and indirect discrimination. He drew attention to the crucial words in the article “has the effect”. The current definition of discrimination in the Constitution of Jamaica set forth in section 24 (3) did not include an unambiguous prohibition against indirect discrimination, and he would like to have assurances that the definition did indeed include indirect discrimination. It could be argued that the legal aid scheme in Jamaica was indirectly discriminatory, as legal aid was given mostly to men who were the majority of criminal offenders and no money was left for other purposes.

44. **The Chairperson**, speaking as an expert, said that the Convention on the Rights of the Child, to which Jamaica was a party, established the age of majority at 18. She suggested that it would be logical

to harmonize the minimum age for marriage with the age of majority, in accordance with the Convention.

45. **Ms. Macaulay** (Jamaica) said that her delegation did not have information at hand on the National Insurance Scheme for maternity leave benefits for domestic workers, but would deal with the matter in detail in its forthcoming report. With respect to the minimum age for marriage, her delegation was aware of general recommendation No. 21 and would be collecting the relevant data, which would be provided in the forthcoming report. Lastly, Jamaica’s Child Care and Protection Act recognized that a child was defined as a person up to the age of 18. The Act was intended to harmonize the various ages of consent under one law. Unfortunately, that had not yet happened, because it would have required postponing the adoption of the current legislation. It was felt that it would be better to have the current legislation in order to advance the situation of children and to harmonize every legal age with the Convention and other international requirements at a later date.

46. **Ms. Boxill** (Jamaica) said the issue of indirect discrimination could be subject to closer scrutiny and review, taking into account actual situations involving such discrimination and determining how they might be covered by the definition set forth in the Constitution. She would caution against reopening issues in the Charter of Rights, however, in a way that might unduly prolong the passage of the proposed Charter of Rights bill. In the light of the Jamaican judiciary’s broad exposure to international instruments, and the Convention in particular, it was expected that a liberal interpretation would be given to the Constitution and the new Charter of Rights in order to prevent indirect discrimination.

47. **Ms. Bailey** (Jamaica) said that while her delegation had not always had the information required by the Committee, the current meeting had provided clear guidelines for the preparation of Jamaica’s sixth report. Her delegation had also received a clear message that more needed to be done to examine the impact of some of the measures taken by the Government. She trusted that there would be fresh political will to implement the Convention under her Government’s new leadership, especially as the Bureau of Women’s Affairs fell directly under the office of the Prime Minister.

The meeting rose at 5 p.m.