



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 108th session

### Summary record of the 2945th meeting

Held at the Palais des Nations, Geneva, on Friday, 25 November 2022, at 3 p.m.

*Chair:* Ms. Stavrinaki (Vice-Chair)

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined twenty-first to twenty-fourth periodic reports of Jamaica (continued)*

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*Ms. Stavrinaki (Vice-Chair) took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Combined twenty-first to twenty-fourth periodic reports of Jamaica (continued)*  
([CERD/C/JAM/21-24](#); [CERD/C/JAM/Q/21-24](#))

1. *At the invitation of the Chair, the delegation of Jamaica joined the meeting.*
2. **The Chair**, welcoming the delegation of Jamaica to the meeting, explained that additional members of the delegation would be participating via video link.
3. **Ms. Tlakula** (Country Rapporteur) said that the Committee had received reports of incidents of colourism in the workplace, in restaurants and in the tourism sector. Academic studies had found that persons with darker skin tended to have fewer household amenities and lower educational attainment than those with lighter skin, while non-blacks typically remained in school for longer and had higher occupational prestige than Afro-Jamaicans.
4. She would therefore be interested to know what was being done to address differences in socioeconomic well-being, in particular with regard to income, education, employment and standard of living, that were associated with race and skin colour. What measures were being taken to address the situation, acknowledged in the report, in which lighter skin colour continued to be equated with opportunities for upward social mobility? What measures had the State party taken to address multiple forms of discrimination, including those that intersected on the grounds of race, ethnicity, skin colour and class? In that context, would the Government consider repealing the Beach Control Act of 1956, which reportedly restricted the rights of ordinary Jamaicans to access beaches?
5. The Committee had been informed that some groups, such as the Taino, disputed the Government's claim that there were no Indigenous groups in Jamaica and wished to be properly recognized as Indigenous Peoples. She would therefore appreciate information on how the State party promoted and applied the principle of self-identification with regard to the country's different ethnic groups and communities, including those that considered themselves Indigenous. Had the State party engaged in open and inclusive discussions with such groups and communities on the question of self-identification? Had the State party taken any measures with a view to ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO), as recommended by the Committee in its previous concluding observations ([CERD/C/JAM/CO/16-20](#))?
6. The Committee would be interested to know what remedies were available for victims of multiple and intersecting forms of discrimination. It would be grateful for information on investigations into such cases, penalties imposed on perpetrators of such discrimination and reparations granted to victims. It would also like to receive information on the measures taken to prevent and combat racism, racial discrimination and xenophobia against non-nationals committed online and through social media.
7. The Committee would appreciate clarification of whether the Government had a specific policy to tackle discrimination against the Rastafarian community and thus to protect the right of Rastafarians to wear dreadlocks and beards in educational institutions, workplaces, hospitals and places of detention; to protect their cultural rights and cultural sites; and to ensure their effective participation in decision-making processes. It would be interesting to know how State institutions were sensitized to Rastafarian religious beliefs and practices, including the growing of locks, and what measures had been taken to effectively protect the traditional knowledge and cultural expressions of the Maroon and Rastafarian communities. The Committee would be grateful for up-to-date information on the establishment of the Rastafari Trust Fund for survivors of the 1963 Coral Gardens incident and the donation of land for the development of a Rastafarian heritage site at Pinnacle, Saint Catherine, following the official apology issued by the Prime Minister to the Rastafarian community in 2017. Would representatives of the community be involved in the management of the heritage site and the trust fund?

8. In the light of reports of racial discrimination and violence against members of the Maroon community, including the alleged fatal shooting of a Maroon person by an off-duty police officer and the reported murder of a Maroon couple in Saint Thomas Parish, she wished to know what measures had been taken to prevent and investigate racist violence against Maroons, to punish those responsible and to provide adequate reparations for the victims or their families. She would be interested to know what steps had been taken to protect communities, including Maroon communities, that were affected by bauxite mining and other projects in the protected natural area of Cockpit Country. Specifically, she would like to know how the State party protected their land and cultural rights and their right to health and promoted their participation in the development of projects that might affect them. The Committee would appreciate information regarding the status of the Maroon Treaty of 1738 and any efforts by the Government to engage in a constructive dialogue with Maroon communities that had alleged that the State party had unlawfully annexed their ancestral lands without due process and in violation of the treaty. The delegation might also explain the Government's relationship with the elected authority of the Accompong Maroons and respond to the allegation that the Government had cut off its funding.

9. The Committee would be interested to know whether the State party had developed and implemented national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, in accordance with the Convention and the Durban Declaration and Programme of Action. Had the Government engaged in dialogue with relevant stakeholders, including civil society organizations, on such policies and action plans? What measures had the State party adopted in the framework of the International Decade for People of African Descent, and had it cooperated with organizations of people of African descent in that regard?

10. The Committee would be interested to learn of any moves to amend or repeal obsolete legislation that criminalized irregular migration, including the Deportation (Commonwealth Citizens) Act of 1942, the Immigration Restriction (Commonwealth Citizens) Act of 1945 and the Aliens Act of 1946. In that regard, it would be useful to know whether the State party had implemented the recommendations of the Committee on Migrant Workers, in its concluding observations of 2017 (CMW/C/JAM/CO/1), which called for the State party to amend the Aliens Act to include alternatives to detention for migration-related administrative infractions and measures to ensure that detention was used only as an exceptional measure of last resort, and to ensure due process in all detention procedures within the State party's jurisdiction, including in international waters. Had the State party implemented the recommendation, contained in the same concluding observations, to ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, had the same opportunities as nationals of the State party to file complaints and obtain effective redress in courts in cases where their rights had been violated? What measures had the State party taken to inform migrant workers and members of their families about judicial and other remedies available to them?

11. **Ms. Ali Al-Misnad** (Country Task Force) said that, while the Committee welcomed the introduction of a seven-year programme of secondary education for all students, it remained concerned that minority and low-income families often could not afford school expenses such as registration and examination fees or the purchase of uniforms and books. She wondered what was being done to ensure that students from such families had access to secondary education, to improve their educational attainment and to reduce the dropout rate. She would appreciate statistical information on the enrolment of minority students and students from low-income areas in secondary and higher education.

12. The Committee would be interested to know what measures, such as the provision of online learning, had been taken to ensure access to education during the coronavirus disease (COVID-19) pandemic. In the light of school closures and data indicating that 120,000 students had been absent from schools during the pandemic, she asked what action had been taken to make up for lost schooling, in particular for children belonging to minority groups, children from low-income communities and refugee children.

13. Recalling the adoption of the Refugee Policy in 2009, she asked whether the State party planned to adopt legislation in compliance with international standards to protect the rights of refugees and asylum-seekers and to uphold the principle of non-refoulement. She

would be interested to know what procedural guarantees were in place to ensure that all applications for international protection were duly considered and whether asylum-seekers and refugees were issued with adequate identification and machine-readable travel documents so that they could enjoy their rights and have equal access to social and economic opportunities within the State party. The Committee noted with satisfaction that, under the Refugee Policy, persons who had been granted refugee status were entitled to seek employment. However, it would be useful to know what had been done to inform employers of the change in policy, as some of them reportedly still refused to hire refugees.

14. The increase by the State party of its efforts to combat trafficking in persons was commendable. In that regard, she wished to know what had been the impact of the amendment to the Trafficking in Persons (Prevention, Suppression and Punishment) Act and what penalties were imposed on individuals found guilty of trafficking for the purpose of sexual exploitation. She would be grateful for information on the services provided to trafficking victims, including legal and psychosocial support, medical care, shelter and education; and on the training that police, prosecutors and judges received in relation to trafficking and care of victims. Had the Government conducted any public awareness campaigns on trafficking in persons and its impact? What had been done to increase the allocation of financial and human resources to ministries, departments and agencies, including the Office of the National Rapporteur on Trafficking in Persons, to allow them to discharge their mandates? What tools did the authorities use to identify trafficking victims and to detect potential trafficking in children?

15. Given that minorities and other groups vulnerable to discrimination had been hit hardest by the COVID-19 pandemic, she wished to know what steps had been taken to provide them with financial assistance and to improve their access to medical services and employment. She wondered what proportion of the grant resources allocated to the Government's pandemic response had been invested in protecting the rights of migrants, refugees and asylum-seekers. There had been claims on social media that those groups had broken the rules put in place to prevent the spread of COVID-19. What had been done to protect them against such accusations?

16. **Mr. Diaby**, welcoming the State party's accession in 2013 to the Convention on the Reduction of Statelessness, said that he would be interested to know whether it was also considering ratifying the Convention relating to the Status of Stateless Persons and whether it had implemented any of the 10 actions outlined in the Global Action Plan to End Statelessness 2014–2024. He was curious to know the number of stateless persons estimated to be in Jamaica; the status and rights that were accorded to them; whether they were issued with identity documents; and whether the Government had formulated a national policy on stateless persons.

17. **The Chair** said that she would like to know what lessons the authorities had learned from the measures introduced during the COVID-19 pandemic.

*The meeting was suspended at 3.35 p.m. and resumed at 4.15 p.m.*

18. **Ms. Grange** (Jamaica) said that the delegation was grateful for the Committee's questions and observations, but it regretted that much of the information recounted by the Committee included inaccuracies, misinformation and even disinformation and did not take account of the nuances that existed in the State party. Jamaica was known to be at the forefront of the fight against racial discrimination and apartheid. Many of the Committee members' questions also exceeded the Committee's mandate. The delegation was concerned about the way in which the process had been conducted and encouraged the Committee to rethink the format of the dialogue.

19. **A representative of Jamaica** said that the Government enjoyed a close working relationship with the Rastafarian community and its leadership. Former senator Barbara Blake Hannah, for example, who had the distinction of having being the first and only Rastafarian woman in the Jamaican parliament, was now the chief cultural liaison officer in the Ministry of Culture, Gender, Entertainment and Sport. No single umbrella group represented all Rastafarians in the country; the Government had attempted in the past to facilitate the establishment of such a group but, owing to internal dynamics within the community, no lasting structure had been established. The National Commission on

Reparations included members of the Rastafarian faith. The notion that locks were found only in the Rastafarian community was untrue; locks were now seen as an Afrocentric hairstyle that some non-Rastafarians also wore. The Government was pursuing efforts to acquire the necessary parcels of land at Pinnacle, the site of the Rastafarian origins in Jamaica as a protected area. Issues had been raised regarding the nature of the protected area, given that, under the Jamaica National Heritage Trust Act, there were two possible designations: national monument, or protected national heritage. The Government was currently addressing those questions.

20. A member of the Committee had asked about discrimination against Rastafarian groups in relation to access to marine resources. It was true that the Beach Control Act dated back to 1956 and incorporated old common law principles. The Government had, through consultations and through the National Environment and Planning Agency, been developing a new beach policy. Under existing rules, Jamaicans had access to the foreshore and the seabed, while lands adjoining the coastline were either private property or Crown property. There was therefore no right of access for the public from private property onto the beach. There were legal processes in place to determine whether or not access points on private property were to be included in land titles. Under the new beach policy, the Government was developing beach properties for public access, with the necessary amenities. Further information on discrimination against Rastafarians would be provided in writing.

21. **A representative of Jamaica**, responding to the questions on the Maroon Treaty, the protection of areas in Cockpit Country and allegations about the impact of bauxite mining, said that one particular Maroon community had filed a claim before the Supreme Court that touched on those issues and had also requested a hearing before the Inter-American Commission of Human Rights. Given those pending matters, the delegation would apply the sub judice rule, which sought to limit comment and disclosure relating to ongoing judicial proceedings in order not to prejudice an issue before a body currently dealing with a case.

22. **A representative of Jamaica** said that the Government maintained cordial relations with all Maroon groups in Jamaica and there was no discrimination against members of the Maroon community. Maroons were included in the national census, held Jamaican passports, had the right to vote in general and local elections and had equal access to public education and health care. The Government recognized the Maroon Council, which included the leadership of all Maroon communities. The Maroons had benefited from government support over the years, including the provision of water, electricity and physical infrastructure. The Government also provided financial and logistical support for Maroon festivals across the island. The festival on 6 January to commemorate the treaty between the Maroons and the British had been celebrated annually for over 285 years and was the largest Maroon event on the island. Maroons enjoyed a high level of integration in society. The former Maroon Chief of Accompong was a member of the Jamaica Constabulary Force, and the Institute of Jamaica was chaired by a Maroon.

23. In response to the loss of livelihoods for many tradition bearers and practitioners during the COVID-19 pandemic, the Government had implemented a six-month project in the Charles Town Maroon community. Under the project, support was provided for traditional knowledge and practices through training workshops on beading and handsewn crafts, led by community elders, thus promoting intergenerational transmission of living heritage. There were also a number of cultural grants available to support the organization of events in Maroon communities, and funding had been increased during the pandemic to cover online and hybrid activities. Following the designation of the Blue and John Crow Mountains as the country's first World Heritage site, the Government had organized and funded a range of training workshops and activities to support and develop community tourism and to foster Maroon involvement with the site.

24. With respect to traditional knowledge, Jamaica was a party to the Convention on Biological Diversity and the Government was particularly concerned about the issue of access to genetic resources. Jamaica was chair of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, which addressed legislation on traditional rights as communal intellectual property. Under the current legislation, persons who wished to have access to genetic material in Jamaica did so through material transfer agreements. The

protection of traditional knowledge and a recognition of the benefits accruing from access to genetic resources were enshrined in the country's legal practices.

25. The notion of colourism in Jamaica was a legacy of the country's colonial past, when the mixing of Europeans and Africans had resulted in persons of different hues. As the landed class had traditionally been of European descent, persons with more economic means had tended to be of a lighter colour. In the present day, however, colourism was not a barrier to educational advancement, as education was free for everyone from preschool to secondary levels and was heavily subsidized at the tertiary level. While there might be a perception that colourism promoted economic advancement, the truth was that education was the main driver of social mobility.

26. **A representative of Jamaica** said that the Government had not reduced assistance or funding for any group of citizens, including the Maroons. It had made clear, however, that government officials should not engage in any entity or organization that claimed to be a separate government within the territory of Jamaica. That was consistent with the State's right to protect its territorial integrity. With regard to the question on isolated instances of violence against members of the Maroon community, the delegation's statements should not be regarded as acceptance of those allegations. However, one of the incidents that had been mentioned was being investigated by the Independent Commission of Investigations. Regarding a question put by a member of the Committee regarding the restriction of annual festivities, it was her understanding that in the case in question the requisite permit had not been granted. Further information would be provided in writing.

27. The Government maintained that there were no Indigenous Peoples remaining in Jamaica, but it acknowledged the historical and cultural impact of the Tainos as the first inhabitants of the island. The Tainos had been referred to as Indigenous Peoples, and historical records indicated that some of their descendants had survived after the colonial period and had intermarried with other groups, particularly descendants of Africans involuntarily transported to the island. The contribution of certain cultural aspects of the Indigenous Peoples to modern Jamaican society had been well documented. There had been no discriminatory actions or omissions against persons or groups of persons who had declared their Indigenous heritage or who had done so by virtue of distinct cultural practices. The Government sought to ensure that the history, culture and rights of all citizens, including Tainos and Maroons, were protected.

28. While Jamaica had not yet ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), it had ratified the ILO Domestic Workers Convention, 2011 (No. 189) in 2016. Since then, the State party had been recognized for its efforts to formalize domestic work and had been included in a good practice example in the Commonwealth Human Rights Initiative report entitled "Domestic Work Is Work". The process of reviewing and amending existing legislation to bring it into line with Convention No. 189 was ongoing. Domestic workers could now claim a maternity leave allowance of eight weeks.

29. **A representative of Jamaica** said that both the Immigration Restriction (Commonwealth Citizens) Act and the Aliens Act were in the process of being reconsidered. Bills for their amendment had been drafted and were being reviewed by the Ministry of National Security and the Office of the Parliamentary Counsel. The entire procedure for the preparation of legislation involved seven main stages and there were still four stages remaining for both bills. All non-nationals, whether they had entered the country legally or illegally, could apply for refugee status, without discrimination. All non-nationals were entitled to legal aid and interpretation services in legal proceedings. The Legal Aid Council provided legal representation to both citizens and non-citizens. Refugees and asylum-seekers enjoyed the same social rights as Jamaicans, with the exception of the right to vote. The country's comprehensive refugee policy met all the requirements of the Convention. The right to work of foreign and Commonwealth nationals who were not citizens of the countries in the Caribbean Community was predicated on the candidates satisfying certain conditions; they must hold a work permit before engaging in work. Asylum-seekers were not required to hold a work permit.

30. The National Task Force against Trafficking in Persons established in 2005 continued to operate as an interministerial group that also included representatives of non-governmental

organizations (NGOs). It focused on prevention and suppression of trafficking, prosecution of offenders and provision of assistance to victims. The Task Force also promoted public awareness campaigns. It had hosted an International Conference on Human Trafficking in July 2018 and had launched Anti-Trafficking in Persons Clubs in about 20 secondary schools in 2019 with a view to providing students and teachers with knowledge and tools to prevent them from becoming victims of trafficking. Training had been provided under the Child Protection Compact Partnership between the United States of America and Jamaica for over 500 teachers, guidance counsellors and family health educators. The Partnership had also developed an anti-child trafficking manual for the education system, which contained instructions on trafficking prevention programmes and reporting forms for the collection of data to be provided to the Jamaican Office of the National Rapporteur on Trafficking in Persons.

31. Jamaica had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and had promulgated the Trafficking in Persons (Suppression, Prevention and Punishment) Act in 2007, which focused on strengthening the national legislative framework, and which had been improved with amendments adopted in January 2018. The Act provided for the prosecution of persons who committed or facilitated child trafficking or who removed or destroyed people's travel documents. It also provided for reparations for victims and protection against recapturing or reprisals. An amendment to the Act adopted in 2021 had replaced fines with prison sentences. In addition, the Child Care and Protection Act of 2004 had been amended in 2018 to increase the sentence for child trafficking from 10 to 20 years.

32. The National Task Force against Trafficking in Persons had adopted an awareness-raising programme and capacity-building courses had been organized for immigration officers and other border control personnel, judges, prosecutors, health-care workers and hotline operators. Training courses for law enforcement officers helped them to rescue victims and to carry out investigations, gather evidence, conduct surveillance and secure perpetrators' assets. The Jamaica Constabulary Force had included such training in its curriculum and had established a squad to conduct surveillance. The Government had afforded protection to a Haitian victim of trafficking for about five years and had provided her with citizenship when it found that she could not be repatriated, for security reasons.

33. The Office of the National Rapporteur on Trafficking in Persons, who had been appointed in 2015, conducted independent investigations into alleged cases of trafficking and submitted an annual report to the parliament. The Government had also provided training on anti-trafficking measures for over 70 judges and about 2,000 justices of the peace.

34. **A representative of Jamaica** said that the National Council on Reparatory Justice sought to identify and address issues relating to discrimination through discussions with the Maroon, Rastafarian and Taino communities and other community-based organizations so that issues inherited from the colonial past could eventually be resolved. The National Council had included Indigenous Peoples in its mandate, in line with the Ten Point Plan for Reparatory Justice of the Caribbean Community.

35. The trimming of the hair of a Rastafarian man in hospital had been an isolated incident. The National Council on Reparatory Justice had addressed the matter, and the Ministry of Culture, Gender, Entertainment and Sport had requested a report.

36. The Government would discuss concerns regarding the administration of the Rastafari Trust Fund with the Rastafarian community. Racism and xenophobia were combated directly and indirectly by the Offences against the Person Act, the Public Broadcasting Corporation of Jamaica and the Cybercrimes Act.

37. During the COVID-19 pandemic, the Ministry of Education, Youth and Information had developed an Education in Emergencies plan, in collaboration with the Ministry of Health and Wellness. The plan had provided for modification of curricula and of national and regional examinations. Teacher training courses had been supported by the United Nations Educational, Scientific and Cultural Organization, the University of the West Indies and other partners. An online educational resource platform had been established. Schools had been provided with guidelines to ensure the safety and well-being of local communities, and parents had been mobilized to support education. Lessons had been facilitated using radio,

television and online platforms, including YouTube. In addition, the Government had provided care packages for disadvantaged families of students who were learning from home.

38. **A representative of Jamaica** said that the possibility of enacting legislation on racial discrimination, including on the grounds of ethnicity and descent, with a view to supplementing the provisions of section 13 (3) (i) of the Constitution would be considered by the Ministry of Legal and Constitutional Affairs, which had been established in January 2022. The Ministry was responsible for constitutional amendments, legal education and reforms, and monitoring of the implementation of ratified human rights treaties. The Cabinet had very recently approved the establishment of a Constitutional Reform Committee, which would engage in consultations with representatives of the Government and experts in constitutional law. The Committee was expected to review and issue recommendations on Chapter III of the Constitution concerning fundamental rights and freedoms. The savings law clauses of the Constitution did not impose restrictions on the provisions of section 13 (3) (i).

39. The authorities had encountered challenges in accessing information concerning court cases in which the Convention had been invoked. However, the judiciary had employed a statistician and had introduced a web-based court management system to facilitate the compilation of data and to enhance the efficiency of the courts.

40. The Government had implemented a number of policies and measures that had led to a decline in negative police interaction with the general public. For instance, the Jamaica Constabulary Force had been provided with a manual on community policing and had been given training in customer service and human rights. The Government had also engaged in stakeholder consultations on the appropriateness of granting prosecutorial powers to the Independent Commission of Investigations. The Ministry of Justice had increased the number of prosecutors by about 50 per cent during the past four years so that a larger number of cases related to negative police interaction with the public could be prosecuted.

41. Persons requesting access to legal aid were interviewed by members of the Legal Aid Council with a view to ascertaining their income and expenses. The costs incurred by expert witnesses could also be covered.

42. The Office of the Public Defender had launched a number of awareness-raising initiatives. For instance, a radio programme on human rights was broadcast each week, and awareness-raising visits to communities were conducted on a monthly basis.

43. While there had been a disparity in the distribution of wealth among different ethnic and racial groups for centuries, numerous strategies had been implemented since 1962 to reduce and eradicate poverty and to promote the advancement of all peoples. An economic reform initiative, which had been financed by an International Monetary Fund Stand-By Arrangement of US\$ 1.6 billion, had been successfully completed. The unemployment rate was at an all-time low and there had been a significant decrease in public debt. The country's Human Development Index score was also rising.

44. **Ms. Tlakula** welcomed the establishment of the Constitutional Reform Committee and recommended that it should review the savings law clauses, the reservation to the Convention and legislation to give effect to article 4 of the Convention. She wished to know whether the new beach policy addressed some of the challenges posed by the Beach Control Act of 1956. She would also like to find out whether the National Council on Reparatory Justice would be willing, in its interaction with the Maroons, Tainos and other communities, to discuss the recognition of such communities as Indigenous Peoples, in accordance with the principle of self-identification.

45. According to the delegation, the issue of colourism did not affect education in the State party. It would be useful for the Committee to know whether it affected people's access to opportunities, income, employment and an acceptable standard of living and, if so, what action was being taken by the State to address the issue.

46. **Ms. Ali Al-Misnad** noted that the State party's report denied the existence of Indigenous populations. If the Tainos and Maroons were not deemed to be Indigenous, she would be interested in hearing the State party's view concerning their status. She wished to know whether the territory that was protected as a national heritage site included land that was the subject of a dispute between the Maroons and the Government, where Noranda



mining activities would be conducted. Apparently, the land of Indigenous communities was used for economic activities and they had no decision-making authority over its use and received no benefits. She wished to know what proportion of minority or Indigenous communities in the 13 to 24 age group were enrolled in secondary and higher education.

47. **Ms. Tlakula** said that the disagreement concerning ancestral lands seemed to be partly attributable to the failure of the State party to respect the Maroon Treaty of 1738 that had been concluded with the British colonizers.

48. **Mr. Diaby** said that he would like more information about the implementation of the national plan for stateless persons. He wondered whether the powers of the Independent Commission of Investigations would be expanded to enable it to prosecute police officers who used excessive force and whether there was specific legislation to protect human rights defenders from acts of police violence.

49. **Mr. Guissé** said that he wished to know whether local languages were spoken in the country. He would be interested to hear more about the status of the Jamaican patois, including whether it was in competition with English, as the colonial language, whether it was spoken by all Jamaicans and whether it had official status, given that it was reportedly widely used.

50. **A representative of Jamaica** said that the Government was seeking to expand beach access, in particular to the foreshore and the seafloor, to ensure that adequate beach facilities were available and to address the effects of issues that had a bearing on beach access, including climate change and pollution control.

51. **A representative of Jamaica** said that human rights defenders benefited from the same protection under Jamaican law as all other citizens. For the past 10 years no complaints had been received by the Public Defender's Office regarding discrimination based on race, and no complaints had ever been received regarding discrimination on the basis of sexual orientation.

52. **A representative of Jamaica** said that religious education was one of the components of the National Standards Curriculum that contributed to the development of key competencies in areas such as learning and life skills, civic identity and culture, and Jamaican heritage. Religious education helped students achieve the aims of the curriculum, which were to enable students to become successful lifelong learners and confident and productive individuals, deeply rooted in the national cultural identity. Through religious education, students should develop an appreciation for religious beliefs and practices other than their own. Themes included the nature of religion worldwide, how religions were adapted in Caribbean life, religion in daily life, how different religious groups worshipped and how to deal with issues such as ageism, racism and human trafficking. The religions studied as part of the curriculum included Judaism, Hinduism, Islam, Christianity and Caribbean religions such as Rastafarianism. Emphasis was placed on the purpose of religions, in order to allow students to understand how they contributed to personal, communal and national development. At the upper secondary level, Caribbean religions were studied in greater depth, covering core concepts, beliefs and practices.

53. **Ms. Grange** (Jamaica) said that the national language was referred to as the Jamaican language, and not as a patois. The Maroon people in Moore Town spoke Kromanti and adherents to the Kumina religion spoke the Kikongo language, which came from Africa.

54. **A representative of Jamaica** said that during the COVID-19 pandemic, the COVID-19 Allocation of Resources for Employees (CARE) programme had provided temporary unemployment benefits to persons who had been unable to work, and the Government had launched the "Own Your Own Device" programme, whereby 40,000 children from low-income families were provided with tablets or laptops in order to close the technological divide and allow all students to learn from home. The Ministry of Education, Youth and Information and the Ministry of Culture, Gender, Entertainment and Sport had worked with the Universal Service Fund, an agency under the Ministry of Science, Energy and Technology, to provide free Wi-Fi Internet access to almost 200 communities. The Government was building over 300 one- and two-bedroom housing units, which would be completed by the end of 2022, as part of its New Social Housing Programme.

55. The Government recognized that technology and the teaching of technology-related subjects in schools were of prime importance for the economic development of the country. Courses on coding and robotics had been introduced, and the Government had committed to building seven science, technology, engineering, and mathematics schools to help bridge the digital divide.

56. The Government was committed to tackling discrimination arising from dress codes, and the Ministry of Education, Youth and Information had submitted proposals for a student dress and grooming code that ensured fairness, flexibility, respect, equality, access to services for all and the inclusion of persons with disabilities. The revised code was being considered by the Cabinet.

57. **A representative of Jamaica** said that she was unable to make any substantive comment on the issues raised regarding the protection of areas in Cockpit Country, mining or the case related to the 1738 peace treaty with the Maroons, since the cases were ongoing, and were thus covered by the sub judice rule, which prohibited public discussion. Pinnacle had been declared a protected area by the Jamaica National Heritage Trust. The status of protected national heritage and protection as a national monument were two distinct concepts under Jamaican law, with different levels of protection. Discussions were under way to ascertain whether the site could be managed jointly by the Government and Rastafarian stakeholders.

58. All Jamaicans spoke the Jamaican language, and steps had been taken to recognize it as an official language. English was not regarded as a colonial language, since the variety spoken in Jamaica had its own distinctive features.

59. **Ms. Tlakula** asked whether the Office of the Public Defender had received any complaints of colourism.

60. **Ms. Ali Al-Misnad** said that she wished to know why the Taino and Maroon peoples were not regarded as Indigenous and why no reference had been made to them in the State party's report.

61. **A representative of Jamaica** said that all the country's citizens were regarded as Jamaicans. However, the Government had no objection to people who wished to self-identify as Indigenous. Their cultural and religious rights were respected. It was important to note that their situation was not analogous to that of Indigenous Peoples in other countries, such as Australia.

62. **A representative of Jamaica** said that the Office of the Public Defender had never received any complaints of colourism, and he did not expect that it would receive any. It was very difficult for complainants to demonstrate that they had been the victims of discrimination based on their skin colour.

63. **Ms. Grange** (Jamaica), thanking the Committee for its active and constructive engagement with the Jamaican delegation, said that her country had made great strides in implementing the Convention and rooting out racial discrimination in the country. Certain issues aside, the Government maintained excellent relations with the Maroon and Rastafarian communities. The Government remained unwavering in its commitment to fulfil its human rights obligations for the benefit of the people of Jamaica and to achieve full recognition and justice for people of African descent everywhere.

*The meeting rose at 5.55 p.m.*