



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
17 November 2020

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of Jamaica*

Constitutional and legislative framework

1. It is indicated in the report that while there is no specific definition of discrimination against women in the State party's legislation, where allegations of discrimination exist, the courts will determine the facts of the case, based on case law and precedent (CEDAW/C/JAM/8, para. 25). Please provide information on whether the Convention is directly applicable in the courts of the State party. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please provide updated information on steps taken to introduce into legislation an explicit definition of discrimination against women, including direct and indirect discrimination and intersecting forms of discrimination in the public and private spheres. Please provide updated information on the current status of the 24 pieces of legislation related to gender equality, social justice and the status of women that were being reviewed for amendments at the time of preparation of the report (para. 162), as well as on measures taken or envisaged by the State party to promote, enforce and monitor those pieces of legislation.

Women's access to justice

2. Please indicate how the State party is increasing women's awareness of their rights and legal literacy in all areas, including civil and labour law disputes and on the possibility of bringing complaints alleging gender-based discrimination, in particular targeting women who face intersecting forms of discrimination, such as rural women, migrant women, asylum-seeking and refugee women, and women with disabilities. Please also indicate how women who face multiple and intersecting forms of discrimination can effectively bring their claims before the judicial or administrative authorities. Please provide information on whether the justice system is accessible for women with disabilities, in both urban and rural areas.

3. Please describe the measures taken to address attitudinal barriers and stigmatization of women complaining about gender-based violence, to ensure gender-sensitive procedures for women to lodge complaints, and to build the capacity of judges in adjudicating cases of gender-based discrimination against women. Please

* Adopted by the pre-sessional working group on 13 November 2020.



also describe measures to ensure legal assistance and psychosocial counselling for women during criminal and other court proceedings, including information about support available for women in cases of gender-based violence against women, and provide information on measures taken to provide women without sufficient means with free legal aid.

Impact of the pandemic on women's rights and gender equality

4. In line with the Committee's guidance note on the Convention on the Elimination of All Forms of Discrimination against Women and coronavirus disease (COVID-19) issued on 22 April 2020, please indicate measures implemented by the State party in the context of the COVID-19 pandemic to redress long-standing inequalities between women and men by placing women at the centre of recovery as an economic diversification strategy; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in conflict or other humanitarian situations; and to ensure that lockdown measures, whether partial or total, and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, decision-making, economic empowerment and service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

National machinery for the advancement of women

5. According to the report, the Bureau of Women's Affairs was renamed the Bureau of Gender Affairs and transferred to the Ministry of Culture, Gender, Entertainment and Sport in April 2016 (para. 33). Please provide information on measures taken to allocate adequate human, technical and financial resources to the Bureau and the efforts made to coordinate the actions of the Bureau with those of the Cabinet Minister with specific focus on Gender Affairs (para. 34) and gender focal points in various ministries (para. 35). Please also provide updated information on any new policies and plans of action on gender equality adopted since 2016.

National human rights institution

6. It is indicated in the report that in 2015, the Cabinet approved the establishment of a national human rights institution (para. 32). Please provide updated information on progress made towards the establishment of an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by the General Assembly in its resolution [48/134](#), as previously recommended by the Committee ([CEDAW/C/JAM/CO/6-7](#), para. 14), and efforts to ensure that the institution has a strong mandate to promote and protect women's rights and gender equality.

Temporary special measures

7. According to the report, the State party does not have a quota system, but intends to adopt temporary special measures to address the reported underrepresentation of

women in political and public life (paras. 40 and 41). Please provide information on temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, applied since the establishment of the Joint Select Committee in Parliament in 2014, as well as on temporary special measures to achieve substantive equality of women and men in the fields of education, employment and economic empowerment of women. Please also provide a detailed overview of temporary special measures applied to promote equal participation of the most disadvantaged groups of women.

Gender-based violence against women

8. It is indicated in the report that the State party is in the process of reviewing its legislation on gender-based violence against women (para. 54). Please provide updated information on measures taken to amend the Sexual Offences Act and Regulations (2010), the Offences against the Person Act, the Domestic Violence Act and the Childcare and Protection Act. Please provide updated information on the outcome of the review of the legislation on marital rape (para. 55). With regard to the Committee's previous concluding observations (CEDAW/C/JAM/CO/6-7, para. 22), its follow-up assessment of 2017 and its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide information on the measures taken to: (a) allocate adequate resources to ensure the collection of data on gender-based violence against women, disaggregated by age and relationship between the victim and the perpetrator; (b) ensure the effective investigation of cases of gender-based violence against women, protection of victims and prosecution of perpetrators; and (c) provide comprehensive training on combating gender-based violence against women, including domestic and sexual violence, to judges, prosecutors, lawyers and police officers.

9. According to the report, the Sexual Harassment Bill was submitted to the Cabinet for approval (para. 67). Please provide updated information on the current status of the Bill. Please also provide updated information on measures taken to establish a national shelter committee to create a shelter strategy for victims and survivors of gender-based violence against women, as well as on the establishment of three regional emergency shelters across the State party (para. 65).

Trafficking and exploitation of prostitution

10. It is stated in the report that the State party approved the national plan of action to combat trafficking in persons (2012–2015) (para. 69). Please provide information on the results of the evaluation and implementation of the plan of action and updated information on any new policies and action plans adopted since 2015 to combat trafficking in women and girls, in line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration. Please provide data, disaggregated by age, nationality and ethnicity, on the number of reported cases of trafficking in persons, prosecutions, convictions and sentences imposed on perpetrators since 2015, in which women and girls were victims of trafficking.

Participation in political and public life

11. In the light of the information provided in the report that women remain underrepresented in political and public life (paras. 43 and 44), please elaborate on specific measures taken to ensure substantive equality of women and men, including parity, in political and public life, including in the public service and the foreign service. Please provide information on the outcomes of the initiative entitled Jamaican women's economic and political empowerment: the way out project

(2010–2013), described in para. 45 of the report, and whether it has been renewed. Please provide data on the representation of women in the judiciary and on measures taken to increase the number of female police officers.

Education

12. It is indicated in the report that the national policy for the reintegration of school-age mothers into the formal school system was approved in 2013 (para. 80). However, according to the report, only 46 per cent of adolescent mothers were reintegrated into the formal school system (para. 82). Please provide information on measures taken to identify challenges and barriers impeding young mothers from reintegrating into the education system and to prevent stigmatization of pregnant adolescent girls. Please indicate whether effective measures are in place to increase female enrolment in non-traditional areas of vocational training and studies, including science, technology, engineering and mathematics and information and communications technology, at the secondary and tertiary levels. Please also provide updated information on whether the State party has introduced entrepreneurship as a mandatory course for boys and girls in secondary education, as indicated in the report (para. 154), and on the outcome of the revision of school curricula and teaching methods following the appointment of a gender specialist in 2014 (para. 85). Please provide information on the number of mathematics, science and technical vocational education scholarships, referred to in para. 90 of the report, awarded to women and girls since 2016.

Employment

13. Please provide updated information on the outcomes of the review of the Employment (Equal Pay for Men and Women) Act (para. 94). Please describe measures taken to promote the employment of women in non-traditional, more highly paid sectors, including through the use of temporary special measures. Please indicate whether efforts have been made to eliminate barriers to career advancement faced by women in their chosen field of work. Please provide information on measures to address horizontal and vertical segregation in the labour market to promote gender equality in the business sector. Please describe measures taken to integrate women with disabilities into the labour market. Please indicate the measures taken to promote equal sharing of family and domestic responsibilities between women and men, and to introduce compulsory paternity or shared parental leave following childbirth.

14. It is indicated in the report that the State party became party to the Domestic Workers Convention (C189) of the International Labour Organization in 2016, and that it is working on the necessary legislative amendments to give it full effect (para. 7). Please provide information on the outcomes of the review of the relevant national legislation that ensures the rights of women domestic workers and on the measures taken to resolve the precarious situation of women domestic workers and to ensure that they have access to equal pay for work of equal value, social protection and safe working conditions, including in the context of COVID-19. Please provide information on whether labour inspections are in place and on the trends identified in the types of violations experienced by female employees and the mechanisms in place to address them. Please indicate whether the State party has considered providing women workers with the option of submitting complaints via mobile technology in cases involving labour rights violations, especially when they fear reprisals.

Health

15. Considering the Committee's previous concluding observations ([CEDAW/C/JAM/CO/6-7](#), para. 30) and the eighth periodic report, in which it was indicated that a final decision on the recommendations of the abortion policy review advisory group

remained pending (para. 113), please provide information on: (a) the current status of the amendments proposed by the abortion policy review advisory group; (b) the circumstances in which judicial authorization is needed to perform an abortion; (c) the number of judicially authorized abortions performed in the State party; (d) the number of cases in the past five years in which abortion has been the subject of criminal proceedings; (e) the measures taken to legalize abortion in cases of rape, incest, severe fetal impairment and risk to the health of the pregnant woman, and to decriminalize it in all other cases; and (f) the reduction in early pregnancies, including statistical data thereon, and maternal mortality. Please describe measures taken to adopt a sexual and reproductive health policy. Please provide updated information on measures taken to ensure the access of women and girls to affordable modern contraceptive methods, and on how the continuous supply of modern contraceptive methods, including long-term methods and emergency contraception, can be ensured in regular care and in the context of COVID-19.

Economic empowerment of women

16. According to the report, despite some increased access to credit and financing, women in the State party are still not accessing financing and credit at the highest level (para. 165). Please provide updated information on measures taken to identify and remove barriers impeding women from accessing loans and other forms of financial credit. Please provide information on measures taken to reduce poverty and stimulate economic activity by women, including disadvantaged women and women with disabilities.

Rural women

17. It is indicated in the report that poverty is highest in rural areas and that the State party established a rural poverty task force in 2014 (para. 78). Please provide information on measures taken to combat poverty among rural women and to improve data collection on rural women. Please also provide information on the participation of rural women in the development of policies that affect them, in accordance with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide updated information on measures taken to implement legal, financial, media and information literacy programmes for rural women.

Women with disabilities

18. According to the report, the State party started collecting data on women and girls with disabilities in order to determine gaps and responsive interventions (para. 125). Please provide information on measures taken by the State party to include women and girls with disabilities in all policies and strategies intended to promote equal opportunities for women and men, in particular with regard to access to justice, protection against violence, access to sexual and reproductive health services and poverty reduction programmes. Please also indicate how free and informed consent is ensured for women with disabilities prior to any medical treatment, as well as any existing exceptions to this universal right.

Climate change and disaster risk reduction

19. It is indicated in the report that the State party integrates gender concerns and perspectives in policies and programmes for sustainable development, including the 2015 climate change policy framework and action plan (paras. 121 and 122). Please provide an update on the progress achieved through the implementation of policies and programmes and describe the steps being taken to ensure the full participation of women in the elaboration and implementation of policies and strategies on climate change mitigation and adaptation, in line with the Committee's general recommendation No. 37

(2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Migrant, asylum-seeking and refugee women

20. Please provide information on measures taken to ensure gender-sensitive and non-discriminatory practices when dealing with migrant, asylum-seeking and refugee women, including the mechanisms to identify and address their specific needs within migration and asylum procedures. Please also provide information on legislative and other measures to ensure their access to health care and social programmes without discrimination. Please provide information on the development, implementation and evaluation of training programmes for the police, including border police and immigration authorities, in combating discrimination and gender-based violence against women. Please describe any specific normative provisions and programmes that have been developed or implemented by the authorities to facilitate the local integration of refugees, including information on refugees' access to basic services, personal documentation, machine-readable travel documents and work permits.

Marriage and family relations

21. With regard to the Committee's follow up assessment of 2017, it is indicated in the report that despite the existing provisions on child maintenance, not all mothers access those benefits due to various obstacles (para. 128). Please provide information on the barriers impeding mothers from enforcing child maintenance obligations and on measures taken to review legislation and procedures to address those challenges. Please provide updated information on the status of the amendments to reduce delays in the completion of divorce proceedings (paras. 130 and 131). Please describe measures taken to set the minimum age of marriage at 18 years for women and men without exception.

Optional Protocol and amendment to article 20, paragraph 1

22. Please indicate any progress made with respect to the ratification of the Optional Protocol and the acceptance of the amendment to article 20 (1) of the Convention concerning the Committee's meeting time.
