



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

#### Addendum

#### Evaluation of the information on follow-up to the concluding observations on Jamaica

*Concluding observations (118th session):* [CCPR/C/JAM/CO/4](#), 1 November 2016

*Follow-up paragraphs:* 26, 32 and 44

*Follow-up reply:* [CCPR/C/JAM/CO/4/Add.1](#), 19 July 2018

*Information from non-governmental organizations:* [Jamaicans for Justice with support of CCPR Centre](#), March 2019

*Committee's evaluation:* Additional information required on paragraphs 26[C], 32[B][C] and 44[B]

#### Paragraph 26: Voluntary termination of pregnancy

**The State party should, as a matter of priority, amend its abortion legislation to help women address unplanned pregnancies and not resort to illegal abortions that could put their lives at risk. It should take measures to protect women against the health risks associated with unsafe abortions by improving its monitoring and data collection on women's access to health care and by enabling access to sexual and reproductive health information and services to all women, including girls under the age of 16.**

#### Summary of the State party's reply

Sexual and reproductive health support services are provided by the Women's Centre of Jamaica Foundation's Adolescent Resource Centre, a government agency. The centre delivers confidential services, such as individual and group counselling on contraceptive methods, screening and referrals for sexually transmitted infections and HIV, mental health services that screen and treat for post-partum depression, counselling for victims of gender-based violence and access to gynaecologists and midwives.

The Government is in the process of securing funding to finance initiatives to safeguard the sexual and reproductive rights of women and girls, with support from the United Nations Population Fund. The implementation of the Gender Empowerment Project was designed to increase knowledge and behavioural awareness of contraceptive methods, HIV prevention, gender norms, stigma and discrimination. Some 208 women and girls aged between 15 and 24 benefited from this programme. The "Hold on Hold off" programme is

\* Adopted by the Committee at its 131st session (1–26 March 2021).



being continued to increase self-awareness and informed decision-making with regard to sexual and reproductive health.

A Health and Family Life curriculum is being continued in schools. It includes a module on sexuality and sexual health, during which students are informed about contraceptives, abstinence and teenage pregnancy. The National Family Planning Board and Jamaica Foundation conducted capacity-building workshops to raise awareness on issues of sexual and reproductive health.

### **Information from non-governmental organization**

#### *Jamaicans for Justice*

The Government has undertaken initiatives since 2018 to decriminalize abortion and provide women with safe and affordable methods to terminate pregnancy. These efforts have not, however, been adequate. High rates of maternal mortality and morbidity, the absence of laws to decriminalize abortion, lack of services and limited access to information persist and have significant impacts on the sexual and reproductive health of women.

It is essential that the State party take urgent steps to protect the health and well-being of women and girls. It is also vital that the State party undertake a thorough examination of gender roles and conduct awareness-raising on gender-based violence, including sexual violence and intimate partner violence, and their impact on women's sexual and reproductive health.

### **Committee's evaluation**

[C]: The Committee welcomes the information provided by the State party on enabling access to sexual and reproductive health information and services to all women, including girls under the age of 16. It requests clarification of whether the steps described were taken before or after the issuance of its concluding observations. It also requests additional information on the substantive impact of these programmes, and the overall availability of services across the State party during the reporting period.

The Committee regrets the lack of information on legislative initiatives and measures taken by the State party to decriminalize the voluntary termination of pregnancy, including in cases of pregnancy resulting from rape, incest and fetal abnormality, and reiterates its recommendation in this regard. It requests precise information about any planned amendments to its abortion legislation.

The Committee also regrets that no information has been provided in relation to monitoring and data collection on women's access to health care. The Committee reiterates its recommendation and requests information about any measures taken to improve monitoring and data, and any available statistics on access to health care among women and girls.

### **Paragraph 32: Prohibition of torture and cruel, inhuman or degrading treatment or punishment and the right to life**

**The State party should expedite its efforts to reduce overcrowding in places of detention, including by resorting to alternatives to imprisonment, and improve conditions of detention, particularly with regard to sanitary conditions and access to medical care, in accordance with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules) (General Assembly resolution 70/175, annex). The State party should adopt legislation governing pretrial detention and put in place a system to detain accused persons separately from convicted persons.**

### **Summary of the State party's reply**

The Department of Correction Services is taking measures to reduce overcrowding in Tower Street Adult Correctional Centre and St. Catherine Adult Correctional Centre. A new block was constructed at Tamarind Farm Adult Correctional Centre in 2018, which has the

capacity to house 304 inmates. That has reduced the population at Tower Street Adult Correctional Centre and St. Catherine Adult Correctional Centre.

The Jamaica Constabulary Force has implemented strategies for the management of overcrowding in lock-ups in three major police lock-up facilities. Processes to ensure the standardization of detention facilities have been started, assistance has been provided to families of inmates who have been granted bail under the next of kin programme, and measures are being taken to ensure compliance with international standards on population and safety.

The Jamaica Constabulary Force trains law enforcement practitioners on procedures for arrest and detention. Training of officials has been conducted on less lethal techniques and judges' rules. Between February 2016 and September 2017, some 1,149 new recruits and 514 serving officers received such training.

Inmates and children in facilities operated by the Department of Correction Services have access to in-house medical, psychiatric and psychological services, except for a single institution, for which psychiatric services are accessed at a public hospital. Efforts are being made to increase the number of medical professionals, including nurses, pharmacists, psychologists and psychiatrists.

### **Information from non-governmental organization**

#### *Jamaicans for Justice*

The physical condition of lock-ups and prisons and the treatment of detainees are deeply concerning. The implementation of the state of emergency as a crime-fighting measure has led to the inhumane treatment of citizens in detention.

There is no clear statutory framework governing the treatment of persons in pretrial detention. The lack of space and basic amenities and the sanitation measures and outbreaks of disease while in detention violate the rights of the detained persons.

### **Committee's evaluation**

[B]: The Committee welcomes the information provided by the State party regarding the efforts to reduce overcrowding in prisons by increasing capacity through the establishment of Tamarind Farm Adult Correctional Centre. The Committee notes the strategies implemented for management of overcrowding in lock-ups, which include offering assistance under the next of kin programme to access bail.

Nevertheless, the Committee reiterates its recommendation, particularly in light of reports that the enactment of a state of emergency in 2020 has impacted detention conditions. It requests additional information on: (a) the number of beneficiaries of the next of kin programme; (b) data on the overall prison capacity and population for the duration of the reporting period, including during the state of emergency in 2020; and (c) any other measures taken to increase the use of non-custodial alternative measures to detention in conformity with the Covenant and other relevant international standards, such as the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

The Committee takes note of the ongoing standardization of detention facilities in accordance with international standards, training for law enforcement officials and efforts to increase medical, psychiatric and psychological services for detainees within the institutions. It requests information about the substantive impact of these programmes and any available data on the proportion of detainees who are able to access these services.

[C]: The Committee regrets the lack of information on the steps taken to improve sanitary conditions. It reiterates its recommendation and requests information about any relevant measures taken during the reporting period.

The Committee also regrets that there has been no information from the State party on efforts to adopt legislation governing pretrial detention and to put in place a system to detain accused persons separately from convicted persons. The Committee reiterates its recommendation and requests data on the number of pretrial detainees held with convicted persons.

**Paragraph 44: Rights of the child**

**The State party should amend its law in a timely manner in order to remove the possibility of incarcerating a child on the basis of him or her being “beyond parental control” and to address gaps in: service delivery to children in conflict with the law, the coordination and oversight of the child protection sector, support to families and rehabilitation of children who experienced exploitation, abuse and other trauma. The State party should detain children only as a last resort and for the shortest possible period provided by law; continue establishing child-friendly holding cells; and provide alternative arrangements to detention, in line with the Covenant. It should continue to provide children in conflict with the law with alternative support, including psychological and rehabilitation services and conflict resolution programmes.**

**Summary of the State party’s reply**

A Joint Select Committee of Parliament resumed the review of the Child Care and Protection Act and has proposed amendments related to child protection. The revised Act is expected to remove the possibility of incarcerating children with behavioural problems, increase support for families with children who experience exploitation, abuse and trauma and ensure the shortest possible period of detention of children in police stations.

The incarceration of children for uncontrollable behaviour is used only as a measure of last resort in cases of anti-social, violent or pre-offending behaviours. As at the end of September 2017, four children were being held in detention for uncontrollable behaviour.

Under the “New Path” programme, two juvenile facilities – South Camp Juvenile Correctional and Remand Centre and Metcalfe Juvenile Correctional Centre – have become operational and the Rio Cobre and Hill Top Juvenile Correctional Centres have been expanded. Access to quality reintegration services has been improved with technical training, job readiness activities, entrepreneurial and micro-enterprise initiatives, internships and job placement and psychosocial support being made available to juvenile offenders.

The “We Transform” youth empowerment and reintegration programme was launched in 2017 and aims to transform the lives of youth in the four aforementioned juvenile remand centres through skills training and character development programmes.

The merger of the Child Development Agency and the Office of the Children’s Registry into the Child Protection and Family Services Agency is expected to address gaps in inter-agency communication and improve efficiency in processing reports and in the investigation of child abuse cases.

The State party is also seeking to streamline services within the child protection sector through the Child Case Management System. This system enhances efficiency, accountability and record-keeping, as it allows child protection officers to upload and track cases of children who are registered in the child protection system.

Efforts are being made to improve the interactions of the Jamaica Constabulary Force with children, including those in detention, in accordance with the Child Interaction Policy and Procedures. Children in the care of the Department of Correctional Services continue to be held in separate facilities, except in the case of South Camp Juvenile Correctional and Remand Centre, which houses both remanded and convicted children in conflict with the law.

**Information from non-governmental organization***Jamaicans for Justice*

The possibility of incarcerating a child on the basis that the child is beyond parental control exists in the State party and is still applied. Reforms have not been adequate and there are concerns that during the state of emergency, there have been aggravated risks for children being held in inhumane situations, which could negatively impact their mental health.

Attitudes supportive of the use of penal sentences for children with behavioural issues remain unchanged, despite alternative ways to address such issues. There have been reports

that families lack access to information of the status of their children held in detention and/or have been unable to visit them.

### **Committee's evaluation**

[B]: The Committee welcomes the review of the Child Care and Protection Act and the likely proposal of amendments to eliminate the possibility of incarcerating children with behavioural problems, to increase support for families with children who experience exploitation, abuse and trauma, and to ensure the shortest possible period of detention of children in police stations. Nevertheless, it notes with concern that this legislation has not yet been implemented and requests additional information on the status of the amendments and the expected time frame for their enactment into law.

The Committee notes the information provided by the State party regarding the efforts to improve the juvenile detention system, including access to quality support services for children in conflict with the law. It requests additional information on the availability of these programmes and their substantive impact. The Committee notes with concern the lack of information about the development of conflict resolution programmes and requests information about any measures taken in this regard within the reporting period.

The Committee also notes information about measures to ensure coordination and oversight of the child protection sector, including the merging of institutions into the Child Protection and Family Services Agency, development of the Child Case Management System and efforts to improve police interaction with children in accordance with the Child Interaction Policy and Procedures. The Committee requests additional information about the time frame envisaged for the full implementation of these reforms and the substantive impact on the handling of child protection cases involving exploitation, abuse and trauma.

The Committee requests information about any relevant measures taken to develop alternative arrangements to detention of children in conflict with the law.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

**Next periodic report due:** 2024 (country review in 2025, in accordance with the predictable review cycle. See [www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx)).