

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



APR 25 1985

GENERAL

Distr.
GENERAL
CERD/C/117/Add.4
5 February 1985
Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Thirty-first session

UN/ISA COLLECTION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Seventh periodic reports of States Parties due in 1984

Addendum

JAMAICA 1/

[7 December 1984]

CONTENTS

	<u>Paragraphs</u>
PART I - GENERAL	1 - 4
PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7	5 - 42
Article 2	5 - 11
Article 3	12 - 17
Article 4	18 - 19
Article 5	20 - 28
Article 6	29 - 31
Article 7	32 - 42

Annex

Percentage distribution of the population by racial origin

1/ This report constitutes the fifth, sixth and seventh periodic reports of Jamaica due on 5 July 1980, 5 July 1982 and 5 July 1984 respectively, which have been combined in one document in accordance with the request made by the Committee at its thirtieth session (see report of the Committee to the General Assembly (A/39/18), para. 54 (f)).

For previous reports submitted by the Government of Jamaica, and for the summary records of meetings of the Committee at which those reports were considered, see:

- Initial report - CERD/C/R.33/Add.9 (CERD/C/SR.178-SR.179);
- Second periodic report - CERD/C/R.65/Add.6 (CERD/C/SR.274);
- Third periodic report - CERD/C/23 (CERD/C/SR.386-SR.387);
- Fourth periodic report - CERD/C/18/Add.8 (CERD/C/SR.463).

PART I - GENERAL

1. The spirit and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination are observed in practice in Jamaica and are fully reflected in the Jamaican Constitution which provides the general legal framework within which racial discrimination is prohibited. The Constitution guarantees and protects the fundamental rights and freedoms of the individual without distinction as to race, place or origin, political opinion, colour, creed or sex. These rights and freedoms are recognized, enjoyed and exercised in the political, economic, social, cultural and all other fields of public life. Section 13 of the Constitution entrenches the right of every person in Jamaica to the fundamental rights and freedoms of the individual irrespective of his race, place or origin, political opinions, colour, creed, or sex. Section 24 specifically provides protection from discrimination on the grounds of race, place of origin, political opinions, colour, or creed. Section 25 of the Constitution entitles any person who alleges that any of the rights in Chapter III has been contravened, the right to apply to the Supreme Court for redress, and then to the Court of Appeal if he is dissatisfied with the decision of the Supreme Court.
2. While the Jamaican Constitution does not specifically provide for protection against discrimination by private individuals or organizations, racial discrimination is not tolerated in Jamaica, and social behaviour and practice prohibit discrimination based on race. Attached at annex 1 is the percentage distribution of Jamaica's population by racial origin for the years 1960 and 1970. The national motto "Out of Many One People" represents not merely a hope but is in fact a vibrant reality.
3. The provisions of the Convention, cannot, except for any part which reflects customary international law, merely, because it is an international agreement to which Jamaica is a party, be invoked before, and directly enforced by the Courts. For the provisions of the Convention to be enforceable by the Courts, legislation implementing the Convention would be necessary. However, the provisions of the Convention are substantially similar to those in Chapter III of the Constitution, which deals with fundamental rights and freedoms of the individual.
4. The Government of Jamaica has nevertheless decided that the legislation required under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, should be enacted. Once this legislation is enacted, the reservation entered by Jamaica in 1971 on ratification of the Convention will be withdrawn.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

5. The Government of Jamaica has never engaged in any act or practice of racial discrimination nor would it sanction any act or practice of racial discrimination by individuals, organizations, or institutions. This undertaking is moreover implemented in Jamaica by the provisions of the Constitution (Sects. 13 and 24) and by the common law as it has evolved over the years.

6. The Government of Jamaica has never sponsored, defended nor supported racial discrimination by any person or organization. Jamaican cricketers who toured South Africa as part of a rebel West Indian cricket team in 1983, have been banned for life from selection on national and local cricket teams. Jamaica has also taken measures to prevent national teams from competing alongside South African teams in various international competitions e.g. the Olympics, the Paraplegic Games and International Golf competitions.

7. There are at present in Jamaica no governmental, national nor local policies, laws and regulations which have the effect of creating or perpetuating racial discrimination.

8. Although racial discrimination is not socially acceptable in Jamaica and although it has not been necessary to adopt specific measures to deal with any particular situation, the Government, as stated above, has decided to enact legislation to give effect to article 4 of the Convention.

9. Twice a year, at independence and during the Heritage Week celebrations, national events are organized around the country's motto "Out of Many One People", as a means of maintaining the unity of the nation and the diverse races that form a part of it.

10. In addition, Jamaica takes an active part in CARIFESTA which is a regional festival of arts and crafts designed to foster the unity and cohesiveness of Caribbean people. On the wider international scene, Jamaica is an active member of UNESCO, among whose aims is the promotion of integrationist multi-racial organizations and movements.

11. The need to implement this undertaking, does not arise as there is no racial group of this kind requiring such protective measures in Jamaica.

Article 3

12. Jamaica has ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid, and spearheaded the initiative at the thirty-first session of the General Assembly of the United Nations for the drafting of an international convention on apartheid in sports, and is a member of the Ad Hoc Committee established to draft a Convention against Apartheid in Sports. Racial segregation and apartheid are not practised in Jamaica and are in fact illegal in Jamaica. Jamaica has consistently condemned racial segregation and apartheid in international fora.

13. Jamaica has no diplomatic, economic or other relations with the racist regime of South Africa. Jamaica was one of the first countries to impose a ban on trade with South Africa. There are no South African vessels calling at Jamaican ports or Jamaican vessels calling at South African ports and no licences or permits are issued to allow South African aircraft to operate to or through Jamaica either on scheduled or non-scheduled flights.

14. The Government of Jamaica remains committed to the elimination of apartheid which it considers to be morally reprehensible and a crime against humanity and has continued to emphasize in international fora, its deep concern at the perpetuation of apartheid.

15. Jamaica continues to observe the United Nations arms embargo against South Africa.

16. The Government continues to adhere to the letter and spirit of the 1977 United Nations Declaration Against Apartheid in Sport. This has ensured that South African sporting teams have been unable to enter Jamaica, and the Jamaican Government continues to discourage sporting contacts between nationals of Jamaica and South Africa. Where Jamaican nationals have played in South Africa as occurred in 1983 when a group of West Indian cricketers toured South Africa, a life-time ban was imposed on these players. This ban has precluded these players from representing Jamaica internationally and prevents them from playing cricket locally.

17. On the whole, the Jamaican people and sporting organizations have shown a high degree of support for the Government's policies on discouraging sporting and other contacts with South Africa.

Article 4

18. While there is no specific legislation as such, the common law prohibits incitement to violence against any race or group of persons. In some cases too, the activities proscribed by this article, are covered by the common law offence of sedition. Consideration is being given to supplementing these with legislative provisions conforming to the requirements of article 4 of the Convention.

19. Jamaica is in the process of preparing legislation that would have the effect of conforming to the requirements of article 4 (a) and (b) of the Convention.

Article 5

20. The undertaking to prohibit and eliminate racial discrimination in all its forms is implemented in Jamaica under the provisions of the Constitution and the common law.

21. The fundamental rights and freedoms set out in Chapter III of the Constitution are guaranteed to every person in Jamaica without distinction as to race, colour, national or ethnic origin, political opinions, creed or sex (Sect. 13 of the Constitution).

22. The right to equal treatment before the tribunals and all other organs administering justice (Article 5 (a)) is the very essence of the concept of due process of law which is an integral part of the constitutional structure of Jamaica.

23. Section 20 of the Constitution contains provisions to secure protection by the law in respect of a fair hearing within a reasonable time by an independent and impartial court. These provisions are applied without distinction as to race, colour, national or ethnic origin.

24. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution (Article 5 (b)) is secured by Sections 14 (protection of the right to life) and 15 (protection from arbitrary arrest or detention) and the

Offences Against the Person Act, which detail the instances when criminal offences are committed against the person i.e. as distinct from property. These provisions make no distinction as to race, colour, national or ethnic origin.

25. With regard to Article 5 (c), universal adult suffrage has existed in Jamaica since 1944, and provided the requirements to vote and stand for elections are met, everyone has the right to participate in the electoral process. The qualifications and disqualifications for election to Parliament are set out in Chapter V of the Constitution with particular reference to Sections 37 - 40. The qualifications and disqualifications of voters are set out in the Representation of the People Act. None of the above-mentioned provisions make any distinction as to race, colour, etc. The prescribed age for voting and election to Parliament is now eighteen (18) years.

26. The civil rights listed in Article 5 (d) are guaranteed either specifically in the Constitution (such as freedom of movement in Section 16; freedom of conscience in Section 21; freedom of expression in Section 22; freedom of assembly and association in Section 23) or in the Constitution and by Statute (such as the right to nationality in Section 3 of the Constitution and the Jamaican Nationality Act) or in Statute and the Common Law (such as the right to marriage and choice of spouse in the Marriage Act and by Common Law).

27. The economic, social and cultural rights listed in Article 5 (e) are for the most part, implemented in the Constitution, by legislation and established practice. The right to form and join a trade union is guaranteed by Section 23 of the Constitution and the Labour Relations and Industrial Disputes Act.

28. The Employment (Equal Pay for Men and Women) Act provides equal pay for men and women doing the same work. With regards to other rights, no restriction is placed on their enjoyment. In particular, there is absolutely no restriction of any kind on the right of access of any person to any place or service intended for use by the general public. Additionally, common carriers or innkeepers are obliged to make their facilities available to the public on a wholly non-discriminatory basis.

Article 6

29. Section 25 of the Constitution provides measures by which the rights enumerated in Chapter III may be enforced. Briefly, a person who claims that his rights have been violated may make an application for redress to the Supreme Court, and, in the event that the applicant is dissatisfied, an appeal may be made to the Court of Appeal.

30. In addition, if the offending person is a government official, the aggrieved person may take his complaint to the Ombudsman who may investigate the complaint and recommend corrective measures or compensation or both.

31. There has not been a single case of racial discrimination in the history of independent Jamaica.

Article 7

32. Jamaica commemorates the International Day for the Elimination of Racial Discrimination as well as other similar United Nations Special Observances. A statement by the Honourable Prime Minister and/or the Minister of Foreign Affairs is made. Religious bodies are invited to make note of these observances. Educational institutions are asked to hold special meetings to observe the occasions. Private organizations and the mass media are also encouraged to participate in these observances.

33. The promotion of understanding, tolerance and friendship among racial or ethnic groups has always been a part of Jamaican culture.

34. While there is no specific legislation to combat "prejudices which lead to racial discrimination" in the field of education, this field has been opened to everyone irrespective of racial or ethnic origin. There are no schools/colleges which accept students on the basis of racial origin.

35. The Education Act 1980 clearly states, page 17, 23:2 "No person who is eligible for admission as a student to a public educational institution shall be refused admission except:

(a) "On the ground that accommodation is not available in that institution;

(b) "On any other ground approved by the Minister either generally or in any particular case."

36. The Charter of the United Nations and the Universal Declaration of Human Rights have both been promulgated in Jamaica.

37. In general, the Social Studies programme in Jamaica schools is designed to promote understanding, tolerance and friendship among nations, people and racial or ethnic groups by (as stated in the preface to the "National Goals for Social Studies Education in Jamaica") extending the pupils' "Knowledge of how the same basic needs are met in different groups and different societies" and thus helping them to "accept the variations that exist in human affairs". In addition, throughout the programme, the pupils examine the ways in which people, as individuals, groups or societies, are interdependent.

38. Among the national goals for Social Studies Education in Jamaica for students graduating at grade 11 of the Secondary School (Age 17) are to:

Accept the philosophy that all human beings, irrespective of the group to which they belong, are entitled to equal rights and justice;

Accept that minority groups are entitled to all the rights of the majority groups;

Be willing to use rational processes to solve problems in a way that is most likely to meet individual and/or groups' needs;

Show interest in and be committed to working towards the welfare of others and our country.

39. The Social Studies curriculum is the major programme promoting tolerance and understanding in intergroup relationships. However, other subjects in the schools' curriculum - notably Languages, Art, Music, Literature, Religious Education, Geography, History, World Affairs - explore variations in aspects of culture, and in so doing foster positive attitudes towards other groups and societies.

SOME SPECIFIC EXAMPLES FROM THE SOCIAL STUDIES CURRICULUM

- Grade 2: The year's work focuses on interdependence between people in a community - how families meet basic needs, and the people in the community who help them by providing goods and services.
- Grade 3: Expands the horizons so the pupils examine interdependence between people in their community and other Jamaican communities; between people in Jamaica and in other countries.
- Grade 4: The year's work on Jamaica, has two (2) major attitudinal goals:
- (a) Pupils will begin to develop open-mindedness, flexibility and tolerance, through their realization that there are many different ways of doing things;
 - (b) Pupils will develop a feeling of sharing a common identity with all Jamaicans.
- Grade 5: In this year, the pupils study "Our Caribbean Neighbours". Two (2) major attitudinal objectives are:
- (a) Pupils will realize that all Caribbean peoples share a common heritage regardless of natural or man-made boundaries, race, colour, sex, language or religion;
 - (b) Pupils will continue to show respect for other peoples' ideas, value and ways of doing things even when they are different from theirs.
- Grade 6: The year's work culminates in a unit on "People on Planet Earth" where the pupils explore a greater variety of ways in which human beings satisfy their needs, and relate the differences to differing natural conditions and culture. Two relevant objectives are:
- (a) Pupils realize that people of different climatic zones depend on one another for many of the things they use;
 - (b) Pupils will continue to show tolerance, respect and understanding of other peoples' way of life.
- Grade 7: In a unit on "Our Ancestors" the pupils identify the various ethnic groups in our society (Africans, Europeans, East Indians, Chinese, Syrians/Lebanese, Jews); explore the lifestyles and culture of these groups in their countries of origin; recognize the contribution of each group to the Jamaican cultural heritage.
- Grade 9: (a) While studying the fundamental rights and freedoms in the Jamaican Constitution, the pupils examine them along with those contained in the Universal Declaration of Human Rights.
- (b) In a unit on Jamaica's links with other countries, the pupils study the work of some of the agencies of the United Nations.

40. In promoting understanding, tolerance and friendship among nations and racial and ethnic groups, the Government of Jamaica has undertaken cultural exchanges and has signed cultural agreements with countries in the region. The media also plays a vital role in this area, as it focuses on the culture of other countries and ethnic groups in its programming. In this regard, there are weekly programmes which highlight the cultural practices of ethnic and racial groups, especially practices of groups which are represented in the Jamaican population.

41. The various embassies resident in Kingston, also assist in promoting understanding among peoples by highlighting various aspects of their culture during their national day celebrations.

42. Music is also another channel through which understanding and tolerance for different cultures is promoted. In this regard, reggae which is a popular form of music originating in Jamaica, has gained popularity internationally. This has brought artistes from all over the world to Jamaica and has increased international interaction between groups and musicians. During an annual reggae festival which is held in Jamaica, performers and spectators from as far as Japan, Africa and parts of Europe are brought together. On this occasion, Jamaicans are also exposed to the music of different groups from various countries.

ANNEX

PERCENTAGE DISTRIBUTION OF THE POPULATION BY RACIAL ORIGIN
CENSUS 1960 AND 1970

Year	All Races	Negro/ Black	East Indian	Chinese	White	Mixed	Syrian Lebanese	Other Races	Not Stated
1960	100.0	76.8	1.7	0.6	0.8	16.9	0.1	3.1	-
1970	100.0	90.0	1.7	0.7	0.7	5.8	0.0	0.1	0.1