



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination

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Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women

Replies of Jamaica to the list of issues and questions in relation to its eighth periodic report*

[Date received: 28 July 2023]

* The present document is being issued without formal editing.



I. Constitutional and legislative framework

Reply to paragraph 1 of the list of issues and questions

1. While the CEDAW describes “discrimination against women” as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Part 1, Article 1)”, there is no explicit definition of discrimination against women in Jamaican legislation. However, per the Jamaican Constitution (1962), inclusive of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment Act, 2011), all Jamaicans have the right to equal and equitable treatment (Section 13.3(g)(h)) and the right to freedom from discrimination on the basis of sex (Section 13.3(i)). This is understood to include both direct and indirect discrimination.

2. Additionally, in 2016 a Joint select committee was appointed to complete the Review of the Sexual Offences Act along with the Offences against the Person Act, The Domestic Violence Act and the Child Care and Protection Act. The Committee completed the review of the Child Care and Protection Act (CCPA) and proposed to include in the Act the right to equal protection and non-discrimination, but it was felt that no change should be made to the Act because these were rights guaranteed to all persons under the Constitution and any change made to the Child Care and Protection Act would affect the constitutional provision.

3. Four (4) key pieces of gender-based violence legislation (Sexual Offences Act, the Offences Against the Person Act, the Domestic Violence Act and the Child Care and Protection Act) have been reviewed for reform in line with the National Policy for Gender Equality to ensure equality, non-discrimination under the law, as well as, greater access to justice (see recommended amendments under the response to question 8).

4. The Women (Employment of) Act which restricted women from working at night has been repealed.

5. The Maternity Leave Act has been amended to increase the period of paid leave allocated to women following childbirth (see specific details in response to Question 13).

6. The Employment (Equal Pay for Men and Women) Act, along with proposed amendments, was reviewed during the 2018/2019 fiscal year to address concerns previously raised by the International Labour Organization (ILO) and make its provisions more relevant to today’s society. As of the 2019/2020 fiscal year, The Ministry of Labour and Social Security (MLSS), has been awaiting a Policy Directive for whether to proceed with the proposed amendments to the Act.

7. The Trafficking in Persons (Prevention, Suppression and Punishment) Act was updated in 2018 to enable a judge to try trafficking offences without a jury (subsection 10). This was done to reduce the high risk of juror and witness intimidation by the gangs and criminal networks often involved in cases of trafficking in persons. The Act was also amended to allow for victims, or the prosecution on behalf of the victims, to enforce an order of restitution in the same manner as a judgement in a civil action (section 5). Further amendments to the Act are being prepared so that the legislation will better reflect current realities.

8. The Cybercrimes Act, which is used to support the Trafficking in Persons (Prevention, Suppression, and Punishment) Act, was amended in 2015. This

legislation provides criminal sanctions for the misuse of computer systems or data and the abuse of electronic means of completing transactions and facilitates the investigation and prosecution of cybercrimes.

9. The draft Complaints & Response Protocol was finalized to provide a complaint and redress mechanism for victims of gender-based violence.

10. The state's capacity for evidence-based practice in monitoring and responding to security and safety concerns was strengthened through continued development of the Jamaica Crime Observatory – Integrated Crime and Violence Information System (JCO – ICVIS).

11. Thirteen (13) Night Courts were made operational to increase access to justice services and reduce backlog in cases.

12. Relevant legislation to support greater transparency and efficiency in the hearing of cases and thereby reducing case backlog were passed and capacity strengthened for the drafting and promulgation of legislation including capacity building of relevant Court personnel through customer service and the establishment of Customer Service desks in Family, Parish and criminal courts. The state and particularly local level capacity for Alternative Dispute Resolution was strengthened by the establishment of Parish Justice Centres to support efforts to reduce case backlog and improve trust in formal justice processes through the use of alternative dispute resolution approaches – including restorative justice, child diversion and mediation.

13. Digital recording equipment was installed in 19 Parish Courts (78 courtrooms) to assist victims of crimes as it relates to attendance in courts and the mitigation of possible trauma due to interactions with alleged perpetrators. There was also provision of legal representation to persons with mental illnesses.

14. The Child Diversion Act 2018 was enacted, with the Child Diversion Programme Offices and Committees of the Ministry of Justice fully operational in all 14 parishes across Jamaica as of September 2020. The Programme seeks to divert children who come in conflict with the law away from the formal criminal justice system.

II. Women's access to justice

Reply to paragraph 2 of the list of issues and questions

15. The GoJ recognizes the importance of increasing women's awareness of their rights and legal literacy, and, as such has:

- Developed a Gender Mainstreaming Manual for the Public Sector informed by the National Policy for Gender Equality (NPGE), which includes a Resource Guide/Directory of Services for women;
- Updated the current training and education materials for peer educators on GBV.

16. The BGA disseminates these literacy materials widely through various community groups, including community networks, FBOs and CBOs.

17. In addition, the Ministry of Justice (MOJ) has public education information learning materials that are widely disseminated on topics such as, "Jamaica's Obligations under International Law"; "The Right to Life"; "Protection against Arbitrary Arrest and Freedom of Movement"; "Accessing your Right to Legal Representation" and matters concerning the Jamaican Constitution are covered. Also, a list with Legal Aid Duty Counsel is available for public access.

18. The GoJ through its Ministries, Department and Agencies (MDAs) has been engaged in a number of public education/“know-your rights” campaigns:

- The National Family Planning Board (NFPB) in partnership with the Office of the Public Defender (OPD) has been engaged in the “Know Yuh Rights” campaign, with the objective of ensuring that Jamaicans are properly equipped with the necessary knowledge to prevent the violation of their rights;
- The “No Excuse for Abuse” (#NEFA) public education campaign through the Ministry of Culture, Gender, Entertainment and Sport was launched to bring an end to gender-based violence through legislative, policy and programmatic actions that protect victims of violence; see to it that perpetrators are punished; ensure that the victims get redress and build a culture in which there is no gender-based violence.

19. The Government of Jamaica has made a deliberate effort in building the Gender Responsive services of the country between 2017–2022. As a strategic policy response to the problem of gender-based violence in Jamaica, the prevention component of the National Strategic Action Plan to Eliminate Gender-based Violence, 2017–2027 was strengthened to offer the following: the GBV Coordination Platform, the Parish Coordination Platform, National Shelter Operationalisation Plan, Referral Services and Memoranda of Understanding with key stakeholders involved in the delivery of services critical to GBV. Through the development of Standard Operating Procedures (SOPs), several partnerships were developed among key ministries, departments and agencies, development partners, civil society and the private sector under the “Continuum of Care” to provide greater protection to women and their families. Undoubtedly, this provided greater access to the entitlements of citizenship of women and children in Jamaica and reduced the possibility of survivors of GBV being repeated victims of GBV. In the absence of having direct services to increase women’s awareness of their rights and legal literacy in civil and labour law disputes and on the possibility of bringing complaints alleging gender-based discrimination, women who face intersecting forms of discrimination benefit immensely from the referral services of the Bureau of Gender Affairs, as they enable clients to access the services of:

- Legal Aide Clinic;
- Victim Services Division;
- National Land Agency;
- Ministry of Labour and Social Security;
- Municipal Authorities across Jamaica (Poor Relief Offices);
- Ministry of Health and Wellness;
- Ministry of Justice;
- The Ministry of Education and Youth (to access the services for children);
- Non-profit organizations working on connecting rural and disabled women with the needed services to function in Jamaica. These include the Jamaica Society for the Blind, Association for the Deaf and the Jamaica Network for Rural Women Producers;
- Ministry of Tourism, Ministry of Foreign Affairs and Trade and Ministry of National Security (to relocate domestic violence visiting survivors to their homeland).

20. Through the services provided in-house at the Bureau of Gender Affairs, clients have been able to benefit directly from:

- Sexual harassment sensitizations;
- Financial Literacy trainings;
- Sensitizations on the provisions of the Domestic Violence Act in Jamaica;
- A 24-hour line to the public where survivors of gender-based violence can call and receive tele-case management support. The interventions provided on the line include the following: psychosocial support, psychological first aid, referral services, and gender-based violence related information. It is important to note that this helpline continues to enable several women in Jamaica to become aware of their rights in areas relating to safety, access to social services, land ownership and housing, as well as accessing healthcare services.

21. Jamaican women in general, through the various MDAs such as Ministry of Labour and Social Security, the Jamaica Constabulary Force, the Legal Aid Counsel etc., can access redress and bring their claims before the judicial or administrative authorities when faced with multiple and intersecting forms of discrimination. Additionally, the Ministry of Justice is one of the participating ministries in the GBV Coordination Platform and Referral Services of the Bureau of Gender Affairs, and this grants women and their children the full suite of services provided by the Ministry of Justice and Court Management Services.

22. The National Disabilities Act (2014) promotes full and equal enjoyment by persons with disabilities, of privileges, interests, benefits and treatment, on equal basis as others. The Act also establishes the Jamaica Council for Persons with Disabilities (JCPD) to advocate more effectively on behalf of other vulnerable groups such as women and girls with disabilities in rural areas. The Act is designed to give added strength and legislative support to the National Policy for Persons with Disabilities.

Reply to paragraph 3 of the list of issues and questions

23. The Jamaica Constabulary Force has Domestic Violence Intervention Centres, dubbed “DVICare” centres across Jamaica, which provide confidential compassionate care for victims of domestic abuse. Each “DVICare” centre is managed by a police officer who is trained in offering intervention through counselling, referrals, law enforcement intervention, protection, follow up, home visits and other services to victims of domestic violence as needed. There are currently ten (10) Domestic Violence Intervention Centre across the island.

24. Counselling is offered island-wide by the Victim Support Division (VSD), Dispute Resolution Foundation (DRF), Peace Centres and Women’s Centres as well as various faith-based institutions. Tertiary Level Institutions (The University of the West Indies (UWI) and the University of Technology (UTECH) also offer counselling and referrals for their student bodies and staff. In addition, the non-governmental organization (NGO), Woman Inc. Crisis Centre (Kingston and Montego Bay), provides counselling, shelter facilities and support groups (for rape, adult survivors of incest, spousal/domestic violence).

25. Legal aid and advice for victims and their families is available from the Family Courts island-wide, the Government’s Legal Aid Clinic and Council (in the Ministry of Justice), the Legal Aid Clinic at the Norman Manley Law School, UWI and Women’s Resource and Outreach Centre (WROC).

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

Reply to paragraph 4(a) of the list of issues and questions

26. The GOJ continues the phased and strategic implementation of the 10-year National Strategic Action Plan to Eliminate Gender-based Violence (NSAP-GBV) in partnership and collaboration to challenge the normalization of gender-based violence (GBV), to build resilience and to provide empowerment before, during and after periods of disasters.

27. Increased support is provided to victims and survivors of GBV and gender-differential responses and options in case of intimate partner violence incidences.

28. Increased social media presence under the No Excuse for Abuse Campaign to ensure that the public is aware of the Hotline for the current shelter for domestic violence, as well as the Hotlines to call and report intimate partner violence and other forms of Gender-based Violence.

29. Provided community/advocacy groups monthly subventions to support the Ministry's efforts to eliminate Gender-based Violence in keeping with the five (5) Strategic Priorities Areas of the NSAP-GBV.

30. Increased social media presence under the "No Excuse for Abuse Campaign" to ensure that the public is aware of the Hotline for the current shelter for domestic violence, as well as the Help Lines/Hot Lines to call and report intimate partner violence and other forms of Gender-based Violence:

Help lines/Hot Line Numbers:

Toll-Free Line: 888-NO ABUSE

Females: 876 553 0372/876 236 1713

Males: 876 553 0387

31. Increases messages through the BGA's social media platforms re: social distancing, with a special focus on women are currently trapped in abusive or toxic situations or are potential victims of intimate partner violence.

32. Continued ongoing discussions with other ministries, departments and agencies, private sector, community-based organizations, international development partners and other civil society organizations to ensure that the gender-differential needs are prioritized during and after the COVID-19 pandemic.

33. Issued "Dignity Packages" issued to four hundred and fifteen (415) girls enrolled in the Programme for Adolescent Mothers (PAM) under the Protection component of the National Strategic Action Plan to Eliminate Gender-based Violence (NSAP-GBV) 2017–2027.

34. "Sanitation Kits" provided to the Divisions, Departments and Agencies and other public bodies within the Ministry to ensure that all the locations are equipped with the requisite protective gear, resource materials as part of the national response.

35. Ramped up the COPE Initiative to include two (2) new groups from the community for persons with disabilities (i.e., Jamaica Society for the Blind and the Jamaica Association for the Deaf).

36. Under Phase 2 of the COPE Initiative, nine (9) groups will receive monthly subventions to support the efforts of the Ministry of Culture, Gender, Entertainment

and Sport to eliminate Gender-based Violence in keeping with the five (5) Strategic Priorities Areas of the NSAP-GBV.

Reply to paragraph 4(b) of the list of issues and questions

37. The National Policy for Gender Equality (NPGE) suggests that Temporary Special Measures (TSMs) are implemented to ensure that women and girls have equal participation in political and public life (Please see response to “Participation in political and public life” for further details).

38. As of August 31, 2020, the GOJ published a list of the appointments to three hundred and twelve (312) Public Sector Boards, Committees, Councils, Commissions, Authorities, Panels, Appeal Tribunals approved by Cabinet. An analysis of the Boards indicates that women have made significant gains in decision-making and leadership positions. Men accounted for 55 % of Board composition while women accounted for 41%. In 2016, men accounted for 63% and women 37% while men accounted for 69% of Board composition and women accounted for 31 per cent in 2012.

39. The BGA endorsed the UN Women Win-Win: Gender Equality Means Good Business Programme in Jamaica. The programme engages Private Sector Organizations (PSOs) in the Women Economic Empowerment Principles (WEP) and seeks to highlight the importance of ensuring equal pay for work of equal value. It is also aimed at promoting formal and decent work opportunities for women throughout the pipeline including executive leadership and decision-making positions.

40. A total of 29% (18 of 63) of candidates elected for the position of member of parliament in the most recent general elections held in Jamaica, on September 3, 2020, were females. The breakdown was as follows:

- Three Female Cabinet Ministers (3/18);
- One Female Minister of State (2/9);
- One Female Attorney General (1/1);
- Five Female Senators (8/21):
 - Three Female Government Senators (4/13);
 - Two Female Opposition Senators (4/8).

Reply to paragraph 4(c) of the list of issues and questions Question:

41. The government implemented a social and economic support program, the WE CARE Programme that provides assistance to vulnerable individuals and small businesses through innovative and existing delivery channels.

42. In response to the COVID-19 crisis, the Bureau of Gender Affairs provided care packages to Two Hundred and Forty-Five (245) (52M; 193F) beneficiaries to offset the immediate financial burdens.

43. In November 2020, the first National Shelter for Victims of Gender-based Violence was opened to the public. The shelters were created to be family-centred and empowering in operations and scope. Women and children who are accommodated in the shelters have enhanced access to all other services of the Government of Jamaica. To complement the operations of the shelters, a GBV Helpline Unit was established in 2021 and this provides 24-hour tele-psychosocial support to survivors of gender-based violence. One major aspect of the programmatic work of the GBV Helpline Unit is to locate safe spaces for women and their children

outside of the state operated GBV shelters. This is the case as some cases may not meet the threshold for a GBV shelter. Other roles and functions of the GBV Helpline are to connect women with material and economic assistance post victimization, identify skills training opportunities for women, utilize referral services to connect them to entitlements of their Jamaican citizenship in the ministries of Labour and Social Security and Local Government and Community Development. The BGA also increased its social media presence under the “No Excuse for Abuse” Campaign to ensure that the public is aware of the helpline for the shelters for domestic violence, as well as the hotlines to call and report intimate partner violence and other forms of gender-based violence.

44. As it relates to the containment measures, it is important to note that during this period, special arrangements were created with various ministries to ensure safe admission of clients to the shelters and access provided to health and social services in the country. An investment in digital inclusion also enabled women and children to access training, legal services, job banks and schools.

45. To date, the shelters have provided a safe space to fifty-seven clients.

46. In addition, messages were placed on the BGA’s social media platforms re: social distancing, with a special focus on women are trapped in abusive or toxic situations or are potential victims of intimate partner violence.

IV. National machinery for the advancement of women

Reply to paragraph 5 of the list of issues and questions

47. The Bureau of Women’s Affairs was renamed the Bureau of Gender Affairs (BGA) in 2016 by Cabinet Decision No. 8/16 on March 21, 2016. The National Machinery has remained a critical mechanism for normative policy and programming support to women’s empowerment despite the shift to and focus on situating its initiatives within the broader gender and development paradigm. Policies and programming remain guided by a National Policy for Gender Equality (NPGE).

48. The National Policy for Gender Equality (NPGE) was initially approved in 2011 and sets the framework for a more comprehensive and coordinated approach to fully integrate gender in every area of national life, through the strategy of gender mainstreaming.

49. The BGA in partnership with Jamaica Social Investment Fund (JSIF), through support from the Caribbean Development Bank (CDB), engaged an International Consulting Firm, the Centre for International Development & Training (CIDT) of the University of Wolverhampton to review and revise the NPGE.

50. The review has been completed and the revised NPGE is being costed to facilitate the responsiveness and robustness which are required for the effective implementation.

51. In keeping too with Goal 5 of the Social Development Goals (SDGs), the GoJ has remained steadfast in its commitment to re-establish the Special Service Desk for Men within the Bureau of Gender Affairs. The re-establishment is in keeping with the policy imperative to more effectively engage men and boys in reflections about rigid gender norms, power relations, gender-based violence, inequalities and change which impact women.

52. The following major initiatives reflect progressive achievements and key milestones in this process:

- Legislative review for equality and non-discrimination under the law and timely access to justice for accelerating progress for women and girls;
- A developed Gender Mainstreaming Manual for the Public Sector informed by the National Policy for Gender Equality (NPGE);
- A Gender Advisory Council (GAC) established to oversee the implementation of the National Strategic Action Plan to Eliminate Gender-Based Violence (NSAP-GBV) and the NPGE;
- The launch of a pilot Gender Ambassadors Programme (GAP) to engage secondary and tertiary level students in an expanded Gender Focal Point Programme (GFP);
- A Resource Guide/Directory of Services for women;
- Active social media engagement – Instagram & Facebook pages;
- Development of the BGA website supported by handover of an Online GBV Platform;
- Increase in Government budgetary allocations for the National Gender Machinery's priority programmes;
- An introduction of the Gender Equality Seal Programme for the private sector in partnership with the United Nations Development Programme;
- The launch of a National Strategic Action Plan and Public Education Campaign to Eliminate Gender-based Violence (NSAP-GBV 2017–2027);
- Activities as part of the Special Service Desk for Men and Boys and commemoration of International Men's Day (IMD);
- Human rights education through UNDP and the ratification of conventions such as C189 and ILO's Decent Work Agenda to strengthen policy and legislative frameworks for the empowerment of women and protection of workers;
- Sectoral policies are strongly aligned with the SDGs including SDG 5 (Gender equality and the empowerment of women);
- New and Emerging Policy Frameworks – International Migration and Development, Water, Poverty, Social Protection Strategy;
- Progressive increase in the number of women in politics and decision-making/Boards and Commissions/Non-traditional sectors.

V. National human rights institution

Reply to paragraph 6 of the list of issues and questions

53. The Ministry of Legal and Constitutional Affairs (MLCA) is currently working towards arriving at a policy position regarding the establishment of a national human rights institution. The matter will be ventilated at the Ministry's upcoming Management retreat which is scheduled for the end of May 2023. Thereafter it will be submitted to Cabinet for their approval on the way forward.

VI. Temporary special measures

Reply to paragraph 7 of the list of issues and questions

54. Through the Medium-Term Socio-Economic policy Framework (2018–2021) a number of mechanisms/strategies have been devised to ensure women's equal participation at all levels. The Plan recognizes strong and accountable institutions; political commitment to effective management of the State; transparency in government; a justice system that is accessible and fair; equity; and tolerance and respect for human rights and freedoms. MTF 2015–2018 proposed a range of strategies to address the issue of fostering equal participation and equity in all Spheres of Society (Gender) over the period to include: Mainstream in all sectors finalized regional comprehensive manual on gender indicators; Develop a Gender Database and Protocols; Strengthen the monitoring and evaluation of gender mainstreaming through structured programmes and enhanced institutional arrangements such as the Gender Advisory Committee (GAC):

- The Gender Advisory Council (GAC) was officially established with approval by Cabinet January 8, 2018 for tenure to span a period of three (3) years with effect from January 8, 2018 to January 7, 2021. The GAC will provide oversight for the implementation of the National Strategic Action Plan for Gender Based Violence (NSAP-GBV) and the National Policy for Gender Equality (NPGE). The first Meeting of the Council was held in July 2018 and a report completed and circulated to members. A further submission was made to include other stakeholders to serve at the level of sub-committees to support the implementation of the National Plan; A Gender Mainstreaming Manual for the public sector has since been implemented as a sector strategy.

55. The GoJ, in its commitment to public sector reform, good governance and gender equity, has developed Policy Guidelines for the Nomination, Selection and Appointment of Board Members of Public Bodies in Jamaica (the Guidelines/Policy Guidelines, 2018). The purpose of these Policy Guidelines is to articulate a comprehensive and transparent process based on best practices and approaches for the nomination, selection and appointment of Board members. The Guidelines also refer to support mechanisms needed to give greater accountability to board members. Adherence to and reporting on this process is expected to lead to greater confidence in corporate governance for public bodies.

VII. Gender-based violence against women

Reply to paragraph 8 of the list of issues and questions

56. Following their establishment in December 2016, the Joint Select Committee (JSC) of Parliament commenced deliberations on January 18, 2017, and conducted 19 meetings thereafter to arrive at agreements regarding submissions they had received, from various interest groups, for revisions to the legislation on gender-based violence (their final report is dated December 2018). The committee's recommendations for amendments to each legislation were as follows:

Sexual Offences Act (SOA)

57. Per *Section 6* (Penalty for rape and grievous sexual assault – specifically subsections 6(1)(b) and 6(1)(d)(ii)), it was agreed that the maximum sentence for this offence, when tried in the Parish Court, should be increased from 3 to 5 years.

58. It was recommended that comprehensive provision be included in the Act (under *Section 8* – Sexual touching or interference) to address indecent exposure by an adult to a child and sexual touching of a child.

59. Non-face-to-face means by which persons could groom a child, such as digital communication and social media, were agreed to be included in *Section 9* (Sexual grooming of a child). The term “adult”¹ also changed to “person” to indicate that sexual grooming could be committed by any person not just adults.

60. It was recommended that a close-in-age group provision (of four (4) years) be included in *Section 10* (Sexual Intercourse with person under sixteen) to prevent children who engage in consensual sexual activity with each other from being criminalized. It was also agreed that a new provision, “Predatory Sexual Assault”, should be added to *Section 10* of the Act to account for adults who engage in sexual intercourse or grievous sexual assault with children under 12 (or someone with a mental disorder). The maximum sentence for adults convicted of this offence should be life imprisonment.

61. A separate comprehensive provision was recommended for inclusion in *Section 16* (Violation of person suffering from mental disorder or physical disability) of the Act to state that victims, or perpetrators, with an intellectual disability should be dealt with as if they were under the age of 16 years.

62. It was agreed that *Section 20(2)*² (Abduction of child with intent to have sexual intercourse, etc.) be amended so that the offender could use the defence that a person, with an intellectual or physical disability, did not appear to be a child and neither appeared to be intellectually impaired.

63. It was agreed that *Section 29* (Sex Offenders Register and Registry) should be changed to authorize the Court to make an order limiting sex offenders from having contact with vulnerable persons as defined under the Registration of Sex Offenders Regulations.

64. It was agreed that the Act should be amended under *Section 30* (Particulars of every conviction to be furnished to Registry) so that persons who have been convicted of a sexual offence abroad or have been listed on a Sex Offender Registry abroad, and relocate to Jamaica, are obligated to disclose this information to the relevant authorities so that they can be listed in the Sex Offender Registry in Jamaica. The Regulations and First Schedule under *Section 30* were also amended to include first-time offenders, including persons convicted abroad.

65. Under *Section 33(1)(c)*³ (Subsequent obligation to report), the time period for sex offenders to report to the Centre was reduced from “eleven months to a year” to “five to six months”.

66. Circumstances where rape and grievous assault were committed against specific vulnerable groups – children under twelve years old, persons with physical or mental disabilities, elderly persons over 70 years old – were recommended to be treated as aggravating factors, which would carry a mandatory twenty-year minimum sentence.

¹ An adult commits an offence if ...

² It is a defence for a person charged with an offence under subsection (1) to show that the person had reasonable cause for believing that the child was of or above the age of eighteen years.

³ Every sex offender shall, after first reporting to the Sex Offender Registry Registration Centre in accordance with section 32 subsequently report, in the prescribed manner, to the registration centre that serves the area in which he resides-(c) at any time between eleven months and one year after he has last reported to a registration centre.

67. It was accepted that in circumstances where the victim of a sexual offence was a child, the spouse of the accused perpetrator should be a compellable witness.

Child Care and Protection Act (CCPA)

68. A provision was added to the Second Schedule to deal with the circumstances in which a child witnessed domestic violence or abuse in the home and was affected by this.

69. Re Section 2 (references to the best interest of the child): It was accepted for Section 2(2)(f)⁴ to be expanded to include continuity in a child's education. It was agreed that a new comprehensive provision be inserted, Section 2(2)(i), to capture "such other factors that may impact the child's best interest" to allow the Judge to take into consideration a range of other factors/circumstances that might not have been previously listed, in making a determination as to what was in the best interest of the child.

70. Re Section 3: For the purposes of consistency with the provisions in the Disabilities Act, it was agreed that Section 3(c)(ii) should be amended to include intellectual and sensory differences. It was recommended that Section 3(c)(iii) be amended to speak to "any disability" to cover disabilities that a child might be living with, as defined under the Disabilities Act. It was recommended that the provision in *Section 3(d)* be modified to state: "special needs and circumstances of children in conflict with the law" in order to cover a broader range of issues than could be covered by the term "special needs".

71. Re Section 6 (Duty to report need for care and protection): "Coach" was added to the list of prescribed persons in *Section 6(1)(c)*. The decision was made to include a broad provision in Section 6(6)(c) to provide indemnity to professionals such as medical practitioners who have an obligation to exercise a duty of care in the execution of their duties, in the best interest of the child.

72. The Committee agreed to amend the Act to insert a provision in the law requiring reporting entities to refer reports promptly, using the proposed wording in the 2016 Child Care and Protection (Amendment) Bill as a guide which stated that the entities should transmit reports "forthwith" to the Registry.

73. Re Section 9 (Cruelty to children): The Committee recommended that a provision be inserted into *Section 9*, or other appropriate section of the Act, to indicate that corporal punishment should be prohibited in all schools, public institutions for the care, instruction or guidance of children who were in the care of the State and in all public places; it was also agreed that the sanction to be imposed for breach would be a fine or such order as the court deems fit. In consideration of whether the definition of "ill-treatment" should include emotional and psychological ill-treatment, the Committee recommended that the vague term "unnecessary suffering" in *Section 9(1)* should be removed and replace with a more appropriate term that would also cover the issue of emotional abuse. The Committee agreed to expand *Section 9(3)* to create an offence for omissions or failure to act under *Section 9(1)*, which were deliberately calculated and would lead to the injury of the child. However, it was also recognized that such a provision had previously been included in the 2016 Child Care and Protection Bill to address the problem of parents/guardians deliberately exposing or placing their children in danger.

74. The Committee accepted the recommendation to substitute the term "detained" in *Section 12(2)* (Detention of child in place of safety) with the term "accommodated", which was felt to be a more suitable language. It was also agreed

⁴ (f) the child's level of education and educational requirements.

to adjust the marginal note to *Section 12* to remove the word “detention” and replace it with “accommodation”.

75. The Committee decided to amend *Section 14* (Powers of court) to expand the court’s ability to make a Parental Order to bind parents over for the good behaviour of the child, and that the penalty for breaching or failing to comply with the Parental Order would be for parents to be sent to parental seminars. An expansion of the list in *Section 14 (2)* was also agreed to provide that in circumstances where weak parental capacity was demonstrably responsible for child endangerment, the court should be empowered to mandate parenting education where it would accelerate critical skill-building, and serve the best interest of the child.

76. The Committee accepted a recommendation for the offences listed in *Section 22(1)(a)* (Disease testing of convicted offender) to be aligned with the Sexual Offences Act (SOA) and that the Fourth Schedule should also be amended to reflect these changes.

77. Re *Section 23* (Disposal of case by order of court), the Committee agreed that the provision should be redrafted to indicate that the primary officer for transporting children in need of care and protection would be the children’s officer, but in the event that the person was not available, then the constable or an appropriate person should take the children to court.

78. Re *Section 24* (Power of parent or guardian to bring child before Court), the Committee agreed that the term, “unable to control” should be deleted and substituted with a more appropriate terminology. The Committee recommended that prior to making an Order in respect of a child, a mental health professional should be consulted by the court in determining the appropriate Order to be made, where practicable.

79. The Committee agreed to expand *Section 27(1)* (Duty to care for child) to include non-material provisions such as safety and supervision as the duties of parents.

80. The Committee recommended that *Section 28(1)* (Duty to secure the education of a child) should be amended to provide that between the ages of 4 and 18 years (the previous upper limit was 16 years), the State or parents have an obligation to ensure that children receive some form of intellectual stimulation or improvement, either in school or other appropriate form of educational instruction.

81. Re *Section 39* (Prohibition on employment in nightclubs, etc.), the Committee accepted the recommendation that this provision should be expanded to include the prohibition of employment of a child in massage parlours; betting, gaming and lottery activities and the promotion of any parties at which it is likely that alcohol would be consumed or smoking of any substance was likely. It was also recommended that the provision be extended to include any place where there was tobacco and immoral and indecent activities.

82. Re *Section 40* (Prohibition of sale of intoxicating liquor or tobacco products to child), the Committee recommended to add other mind-altering substances (such as marijuana (ganja)). It was also decided that the section should be expanded to include other examples of supplying children with those substances (e.g. free distribution at parties and events) outside of commercial sale within an establishment. Additionally, it was recommended that the use of the term “tobacco products” in the Act should be aligned to the statutory definition in the Public Health (Tobacco Control) Regulations, thus covering e-cigarettes. Furthermore, the Committee recommended that the matters in *Section 40(1)* should be brought to the attention of the police.

83. Re *Section 41* (Begging), the Committee agreed that a provision could be inserted to indicate that it would not be an offence where the child was involved in an organized fundraising or other charitable activities.

84. Re *Section 62 (Rights of child in places of safety, etc.)*, the Committee agreed to insert a new provision to indicate that the rights under *Section 28(1)* should also relate to children with disabilities, in respect of their right to have an education that was appropriate to their needs. The Committee also recommended that the Act should be amended to make it explicitly clear that proper arrangements should be made for all children in places of safety to have proper, appropriate education.

85. Re *Section 67(2)(a)* (Bail or detention of child), a recommendation was made to include a requirement that the Children's Advocate should be given specific recognition in this provision as being able to give certain directives to the Department of Correctional Services. This would ensure that once the Children's Advocate has been informed of such a situation, he/she would be empowered to direct the child brought before the court.

86. The Committee recommended that *Section 78* (Restriction on punishment) be reworded to provide that as a general rule, no child should be detained in an adult correctional institution, save and except in exceptional cases.

87. Re *Section 82* (Provisions relating to committal to fit person), the Committee agreed to include parents, guardians, the Office of the Children's Advocate and the CPFSA as appropriate persons who could be empowered to apply for a variation of a fit person order, as persons with a direct and substantial familial or statutory interest in the child's welfare.

88. It was agreed to incorporate a new provision (immediately following *Section 30*) to empower the Court to order family visitation with a child who is the subject of any fit person order or correctional order.

89. It was recommended that the provision in *Section 69* of the Offences Against the Person Act, relating to children and the protection of children, be deleted from this Act and incorporated into the Child Care and Protection Act (so that all provisions relating to children and their protection would be consolidated in one piece of legislation).

90. It was recommended that, using the listing in *Section 62* (Rights of a child in places of safety, etc) of the Act, a provision should be included to incorporate the rights that would appropriately apply to remand centres and juvenile correctional facilities, while ensuring that the provision was not in conflict with the provisions of the Corrections Act and Regulations. (It was also recommended for consideration to be given to whether such provision should be placed either in the Corrections Act or Regulations instead of the CCPA, given the nature of the issues to be addressed).

91. It was agreed that the offences of kidnapping, incest, child labour and all the offences under Part II of the Act should be included in the Second Schedule of the Child Care and Protection Act.

Offences against the Person Act (OAPA)

92. Deletion of *Section 28* (Abandoning or exposing a child whereby life endangered)

93. *Section 40*, re aggravated assaults on women or children, was agreed to be amended to speak to aggravated assault on vulnerable persons, including women, children, the elderly and persons living with a disability under the Act, except in circumstances where the age is not a relevant factor. The penalty in *Section 40* was also recommended to be increased; it was agreed that the Act should be amended to

make it a criminal offence for someone to wilfully or recklessly infect a partner with any sexual transmissible disease that can inflict bodily harm to that partner.

94. It was decided that a new substantive offence of stalking should be formulated using the provision in the UK Protection from Harassment Act, 1997 as a guide.

95. A victim's known or visible pregnancy was included as an aggravating factor, under Section 20 (Shooting or attempting to shoot or wounding with intent to do grievous bodily harm), in determining sentencing, as well as grievous bodily harm committed against vulnerable persons such as the elderly, persons with disabilities and children

The Domestic Violence Act (DVA)

96. A specific definition of "domestic violence" was included in the Act to recognize the physical, sexual, emotional and psychological aspects of domestic violence, as well as, situations in which persons used various other means such as exposing intimate pictures of their former partners to the public to inflict reputational and emotional harm on the victims and using third parties or accessories to harass or inflict harm on the victims.

97. The Children's Advocate was included as one of the persons who could make an application for protection orders, as well as, any person whether or not they are a member of the household, to apply for a protection order with the permission of the court.

98. It was recommended that *Section 3* (Power of the court to grant protection order or occupation order) be expanded to give the Minister residual power to include entities such as the Bureau of Gender Affairs and the Women's Resource Outreach Centre as persons who could seek protection orders, on behalf of an applicant.

99. It was recommended that the threshold for which a protection order could be obtained, due to the use of or threat to use violence, cause physical injury or mental injury, be widened (*Section 4 (2)* (Application for protection order) as the previous threshold was viewed as prescribing very limited circumstances.

100. It was further recommended that a separate JSC of Parliament be established to carry out a more comprehensive review of the Act on its own to ensure that the legislation as well as the institutional and social framework necessary for the successful implementation of all aspects of the legislation could be dealt with.

101. On April 26, 2021, the Cabinet approved the following amendments to the DVA:

- Section 2: Insertion of a definition of domestic violence;
- Section 3: Expansion of the category of persons allowed to apply for protection orders on behalf of the abused;
- Section 4(1): Expansion of the conduct or behaviours that the Court may prohibit the respondent from engaging in;
- Section 4(2): Widening of the threshold to be met in obtaining protection orders;
- Section 5: Penalty for breach of a Protection Order;
- Increasing the penalty for breaching a protection order to a fine of one million dollars (\$1, 000, 000) or imprisonment for one (1) year.

102. It was recommended that *Section 5(3)* (Marital Rape)⁵ of the Sexual Offences Act be deleted as it implied that rape could not take place within a marriage unless specific conditions were met, which placed married women in a disadvantageous position compared to women in other kinds of relationships.

103. 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.

Reply to paragraph 9 of the list of issues and questions

104. The Sexual Harassment (Protection and Prevention) Act, 2021 was passed in July 2021 by the House of Representatives, with ten (10) amendments and in October 2021 in the Senate with an additional thirteen (13) amendments. Additionally, the Act received the Governor General's assent on November 2, 2021.

105. The first draft of National Shelter Strategy was developed by the 4th Quarter of FY 2015/2016. By Q4 of FY 2017/2018, 2 consultations on the Draft National Shelter Strategy were completed. Two (2) meetings were held with the National Shelter Strategy Committee and the National Shelter Strategy finalised by Q1 of FY 2018/2019.

106. The GOJ's planned establishment of three regional emergency shelters for victims of gender-based violence has progressed significantly, with the first National Shelter, located in the Northeast Region, being completed and commencing its operations as of the third quarter of fiscal year 2020/2021. The other two additional properties, located in the Southern and Western Regions, were previously identified in the fourth quarter of fiscal year 2019/2020. To date, two (2) out of three (3) shelters are operational and have served 21 women and 22 children.

⁵ A husband commits the offence of rape against his wife if he has sexual intercourse with his wife in any of the circumstances specified in subsection (3) (a) without her consent; and (b) knowing that she does not consent to sexual intercourse or recklessly not caring whether she consents or not. (3) The circumstances referred to in subsection (1) are that (a) the spouses have separated and thereafter have lived separately and apart within the meaning of the Matrimonial Causes Act; (b) there is in existence a separation agreement in writing between the spouses; (c) proceedings for the dissolution of the marriage or for a decree of nullity of marriage have been instituted; (4) there has been made or granted against the husband an order or injunction, as the case may be, for non-cohabitation, non-molestation or ouster from the matrimonial home for the personal protection of the wife; or (e) the husband knows himself to be suffering from a sexually transmitted infection.

VIII. Trafficking and exploitation of prostitution

Reply to paragraph 10 of the list of issues and questions

107. Cabinet approved the National Plan of Action 2018–2021 for Combating Trafficking in Persons (TIP) in February 2019.⁶ The National Action Plan details the strategic framework for Jamaica’s response to human trafficking, and highlights current efforts and gaps, as well as outlines future priorities. The National Action Plan also delineates plans to improve transparency and accountability in combating human trafficking. The Plan includes recommendations from Ministries, departments, and agencies (MDAs), and the United States’ Department of State 2018 Report on TIP.

108. 2015: Of 4 confirmed trafficking victims, one was a girl. Authorities reportedly initiated 30 new trafficking investigations during the year, leading to the arrest of 4 individuals for suspected trafficking crimes. Officials prosecuted 9 trafficking cases against 14 alleged traffickers; 2 cases – 1 sex trafficking and 1 forced labour – against 4 defendants were new. The government secured 2 convictions, the first in 7 years: a forced labour conviction and a sex trafficking conviction. In the sex trafficking case, the trafficker was sentenced to 15 years of hard labour in April 2016.

109. 2016: All of 8 confirmed trafficking victims were females. Authorities initiated 40 new trafficking investigations; 30 of these investigations led to police operations in search of traffickers, victims, and evidence. Officials prosecuted 3 new trafficking cases and continued prosecuting 6 trafficking cases against 10 alleged traffickers. The government secured 2 convictions. The primary trafficker received concurrent sentences of 16 years for rape, 14 years for trafficking in persons, and 10 years for facilitating trafficking in persons and was ordered to pay J\$2 million in restitution to the victim. The other trafficker received a three-year suspended sentence.

110. 2017: There were 13 confirmed trafficking victims—12 exploited in labour trafficking and 1 exploited in sex trafficking—all but 1 victim were Jamaican. Authorities initiated 30 new trafficking investigations. Officials prosecuted 3 new trafficking cases against 3 defendants—including Jamaica’s first case of forced begging—and continued prosecuting 10 cases against 12 defendants. The government secured 1 conviction. The convicted trafficker, whose prosecution began during a previous year, was scheduled for sentencing in May 2018.

111. 2018: Authorities identified 6 sex trafficking victims, including 5 Jamaican children and 1 Chinese woman. Authorities reported investigating 36 potential trafficking cases. Officials initiated prosecutions against 6 defendants for 6 trafficking offenses; 9 prosecutions from previous years remained ongoing. Authorities dismissed 2 cases, and 2 suspects charged during a previous year were released on bail and subsequently absconded. The government secured 1 conviction, a forced begging case which had been initiated in 2017. The court sentenced the convicted trafficker to 2 years’ imprisonment for each of 11 counts, with each sentence to be served concurrently. The government sentenced a sex trafficker, convicted during the previous year, to 4 years and 5 months’ imprisonment in July 2018. In October 2018, a court dismissed an appeal and upheld a trafficking conviction from 2016, though it reduced the trafficker’s sentence from 14 to 10 years’ imprisonment.

112. 2019: The anti-trafficking police unit reportedly identified 10 victims during the year. The victims identified included 5 Jamaican victims of sex trafficking—4 of which were adult women. The government also reported that 3 Jamaican trafficking victims were identified and repatriated from abroad by foreign authorities. Officials investigated 41 potential sex trafficking cases and 2 labour trafficking cases. During

⁶ Ministry Paper No. 17 2019.

the year, the government initiated 5 new prosecutions for sex trafficking and 2 new prosecutions for labour trafficking, and reported that 21 total prosecutions were in process. The government convicted 1 trafficker from a 2015 child sex trafficking case and sentenced him to 5 years in prison for human trafficking and 3 years in prison for having sex with a minor, running concurrently; the trafficker also was required to pay restitution to the victim in the form of vocational training fees. Ten investigations were eventually prosecuted as non-trafficking crimes from abroad by foreign authorities.

113. 2020: Officials investigated 41 potential sex trafficking cases and two labour trafficking cases. The government initiated 5 new prosecutions for sex trafficking and two new prosecutions for labour trafficking during the year. The government convicted 1 trafficker from a 2015 child sex trafficking case and sentenced him to 5 years in prison for human trafficking and 3 years in prison for having sex with a minor, running concurrently; the trafficker also was required to pay restitution to the victim in the form of vocational training fees. The anti-trafficking police unit identified 10 victims. The victims identified included 5 labour trafficking victims—1 Jamaican male child, 2 Indian adult males, 1 Honduran adult male, and 1 Chinese adult male—as well as 5 Jamaican victims of sex trafficking—4 adult women and 1 female child. The government reported that 3 Jamaican trafficking victims were identified and repatriated from abroad by foreign authorities.

114. 2021: Officials investigated 42 potential sex trafficking cases and 1 labour trafficking case. During the year, the government initiated three new sex trafficking prosecutions and it continued 19 previously initiated prosecutions. The government convicted one sex trafficker from a 2016 case and sentenced him to 9 years and 5 months' imprisonment for trafficking and 12 months' imprisonment for living off the earnings of prostitution, to be served concurrently; courts also required the trafficker to pay 250,000 Jamaican dollars (\$1,670) restitution to the victim. The government formally identified 8 trafficking victims, including 7 girls and 1 young woman, all were Jamaican citizens exploited in sex trafficking.

115. 2022: Officials investigated 53 potential trafficking cases, 51 involving sex trafficking and 2 involving forced labour. Authorities prosecuted 4 sex trafficking suspects and convicted 2 sex traffickers. Both convictions were from a retrial of a 2010 child sex trafficking case that had resulted in a hung jury—prior to amendments to Jamaica's anti-trafficking law. The traffickers each received a three-year suspended prison sentence and were ordered to pay fines. The government formally identified 10 trafficking victims, including 6 Jamaican girls and 1 Jamaican woman, who were survivors of sex trafficking, and 3 Colombian men, who were survivors of forced labour.

IX. Participation in political and public life

Reply to paragraph 11 of the list of issues and questions

116. The National Policy for Gender Equality (NPGE) suggests that Temporary Special Measures (TSMs) such as legislated gender quotas, are implemented to address the lack of proportional representation of women in representational politics. It is recommended that there should be a 30% minimum distribution of women among persons appointed to the Senate and to boards of public bodies. This consideration was adopted in the Government of Jamaica's Policy Guidelines for the Nomination, Selection and Appointment of the Boards of Public Bodies, published by the Ministry of Finance in 2018 as follows:

“... Consideration of gender in the appointment process is enshrined in the National Policy for Gender Equality (2011) stating a target goal of minimum of 30% females on public sector boards. Ministers should strive towards having no less than 30% of either male or female representation on each Board ...” (pg. 14, Table 4 Selection Criteria).

117. In 2020, the GoJ published a list of the appointments to 312 Public Sector Boards, approved by Cabinet. An analysis of the Boards indicated that men accounted for 55% of Board composition while women accounted for 41%.

118. In line with the TSMs recommended in the NPGE, Jamaica is moving closer towards the proportional representation of women in representational politics. During the last general elections (which took place September 3, 2020), a historic number of women were elected to serve as members of parliament, occupying 29% of the 63 seats in the House of Representatives (Lower House) and 38% of the 21 seats in the Senate (Upper House).

119. The BGA, through partnership with the Ministry of Education and Youth (MOEY), implemented an extension of the Gender Focal Point (GFP) Programme in high school and tertiary institutions dubbed the Gender Ambassadors Programme (GAP). GAP aims to bolster sensitization and awareness-raising on various gender issues through the use of Public Service Announcements (PSAs) and messages shared by influential persons from sectors: culture, gender, entertainment, sport and youth. Priority areas that will be addressed by PSAs include gender quotas for public elections, empowerment of women and girls, and gender equality.

120. The report on the final evaluation of the Way-Out Project was submitted on July 21, 2014. The Project realized some notable achievements such as: the engagement of a wider cross section of the public with the provisions of the NPGE, greater capacity building in gender analysis, and the training of Gender Focal Points (GFPs), an important aspect of the implementation of the NPGE. The Project also resulted in over 70 new mediators receiving training to enter the criminal justice system, as well as the Dispute Resolution Foundation’s (DRF) intention to commit to using gender inclusive training. Additionally, a focus on using mediation in extra-judicial cases inadvertently arose from initiatives led by project participants.

121. As at 2018, 68.2% of judges in the highest court in Jamaica were women. In 2021, 74.5% (38 out of 51) of judges, at any level, were female.

X. Education

Reply to paragraph 12 of the list of issues and questions

122. The Women’s Centre Foundation of Jamaica (WCJF) and the Ministry of Education and Youth have instituted a collaborative monitoring process to identify any challenges that adolescent mothers may face during the reintegration process and to ensure that they complete their education. The process includes home and school visits, as well as, consultations with their parents. Financial bursaries are also distributed to the school-aged mothers and they receive psycho-social support, through mentors, for the duration of their tenure at school. To ensure the reduction of discrimination, policy-sensitization sessions are held with the school principals and counsellors for maximum buy-in to the tenets of the Policy.

123. The Ministry of Education and Youth (MoEY) continues to promote and support learning pathways that include programme design to enable all students to be exposed to Technical Vocational Education from the early childhood level to the tertiary level. Strategic measures for an inclusive approach to education for all students include the:

- (a) Development and ongoing implementation of the National Technical and Vocational Education and Training (TVET) Policy and its complementary integration model that spans the early childhood to tertiary level;
- (b) Implementation of the K–13 Strategy Framework which entails the use of educational pathways (brain building, proficiency, alternative secondary, and career/occupational);
- (c) Development and implementation of the National Standards Curriculum (NSC) for all students at the Grades 1–9 levels with vocational learning through Resource and Technology serving as a major area of study for students' holistic development;
- (d) Provision of guidelines/framework for scheduling for all students to access vocational areas of the NSC as both males and females are to be exposed to all the areas;
- (e) Collaborative monitoring of the Technical Vocational Education component of the NSC and other curricula for alignment between learner-centred design and actual practice;
- (f) Introduction and monitoring of the Primary Education Specialist Model with specialization in the area of Technical Vocational Education and Science, Technology, Engineering, Arts and Mathematics (STEAM) Integration;
- (g) Introduction of the National School Leaving Certificate that requires the collection of evidence of students' development of employability skills and other competencies derived from vocational learning as a pathway or as a part of their education programme.

124. In terms of specialization at the upper secondary level, the selection of vocational subjects is based on the individual choice of the students based on factors such as interest, aptitude, and career goals. Students are given the opportunity to choose from among the non-designated core subjects, in most cases, at the end of Grade Nine (9). This is an effective measure as it reduces the biases or discriminatory practices that could prevent girls from pursuing non-traditional vocation subjects. Furthermore, schools are given the autonomy to design their selection criteria(s) based on predisposed criteria(s) as well as the career pathway of individual students. Therefore, regardless of gender, once a student meets the internal criteria(s) and are interested in pursuing a vocational subject there is usually no objection to the process at the secondary level.

125. In 2018, entrepreneurship classes became mandatory in all high schools.

126. In addition to providing support to advance technical vocational education and training (TVET) in Jamaica, the Ministry of Education and Youth has placed emphasis on programmes of study which prepare Jamaican citizens to access and/or create jobs in the field of STEM (science, technology, engineering and mathematics). In this regard, the Ministry has provided tuition support to tertiary students pursuing programmes of study in STEM related areas. The programmes included under this initiative include:

- Science education;
- Mathematics education;
- Engineering.

127. Since the implementation of the special scholarship programme, the Ministry has awarded 1,361 STEM scholarships. Since inception, 64% or 876 awards have been made to females. The data is broken down by year below:

MoEY STEM scholarships

Year	Number of Females Awarded
2016	155
2017	235
2018	77
2019	88
2020	122
2021	131
2022	68
Total	876

XI. Employment

Reply to paragraph 13 of the list of issues and questions

128. During the 2018/2019 fiscal year, the Employment (Equal Pay for Men and Women) Act, which has not been amended since its enactment in 1975, was reviewed along with proposed amendments to address concerns previously raised by the International Labour Organization (ILO), and to make its provisions more relevant to today's society. As of the 2019/2020 fiscal year, The Ministry of Labour and Social Security (MLSS), has been awaiting a Policy Directive for whether to proceed with the proposed amendments to the Act.

129. The BGA supports the UN Women's Win-Win Project and the UNDP's Gender Equality Seal Programme in the Private Sector. The UN Women Win-Win: Gender Equality Means Good Business Project engages PSOs in the Women Economic Empowerment Principles (WEP): Establish high-level corporate leadership for gender equality; Treat all women and men fairly at work – respect and support human rights and non-discrimination; Ensure the health, safety and well-being of all women and men workers; Promote education, training and professional development for women; Implement enterprise development, supply chain and marketing practices that empower women; Promote equality through community initiatives and advocacy; Measure and publicly report on progress to achieve gender equality. The Gender Equality Certification and Seal is given to organizations that have achieved specific standards in promoting gender equality in the workplace. The seal indicates that the entities have created equitable conditions for men and women, establishing environments where women's work and contributions are valued. The key areas for Gender Equality Seal certification include eliminating gender-based pay gaps; increasing women's roles in decision-making; enhancing work-life balance; enhancing women's access to non-traditional jobs; eradicating sexual harassment at work; and using inclusive, non-sexist communication.

130. In March 2016, the BGA organized a Business Forum to engage key stakeholders in the Business sector in observance of International Women's Day. The Business Forum was designed to reiterate the GoJ's commitment to partnership with the Business Sector in keeping with the national goals and key objectives of the Vision 2030 Jamaica: National Development Plan, as well as the Post 2030 and Small Island Developing States (SIDS) Agenda for Sustainable Development. This was done with specific reference to Goals 5 and 8 which focus on influence, gender equality, profits, growth and sustainable development. The Forum engaged 140 persons (110 females,

30 males) and focused on the issue of gender equality and the importance of including women in leadership and decision-making processes in the business sector. Participants included persons from the Banking Sector, Small Business Development and Loan Agencies, Insurance Companies, Women Business Owners, Top Level Business Executives and Civil Society representatives.

131. Please see synopsis of programmes for persons with disabilities (PwDs) offered by the GOJ through the Ministry of Labour and Social Security (MLSS) at 16 (Economic Empowerment of Women).

132. Effective January 1, 2023, male public sector workers, who have been employed for a period of twelve (12) consecutive months (regardless of employment type) will be entitled to paid Paternity Leave for a period of twenty (20) working days. If additional time is needed after the initial period of Paternity Leave granted has expired, approval may be granted for the utilisation of vacation leave to which the employee is entitled and/or leave without pay up to ten (10) working days. Paternity Leave may also be granted in the event of stillbirth or if a baby dies within six (6) months after delivery.

133. Some private sector organisations in Jamaica would have previously introduced paternity leave within their organisations and the implementation of paternity leave by other private sector organisations is impending.

134. To coincide with the implementation of Paternity Leave, the Government of Jamaica has also implemented Adoption Leave for public sector workers for a period of twenty (20) working days. Adoption Leave is paid parental leave which workers may be granted after they have adopted a child. This type of leave may only be accessed once a year. Additionally, Adoption Leave may only be granted six (6) months after the expiration of either Paternity or Maternity Leave.

135. Maternity Leave has also been increased from a period of forty (40) working days to sixty (60) working days effective January 1, 2023.

Reply to paragraph 14 of the list of issues and questions

136. Since the GOJ ratified the International Labour Organization (ILO) Domestic Workers Convention (C189), amendments have been made to legislation addressing discrimination or violence against women, in general, including the Sexual Offences Act, Offences against the Person Act, Child Care & Protection Act and the Domestic Violence Act (Please see responses to Issue/Question 8, “Gender-based violence against women”, for a detailed description of the amendments). Furthermore, the Sexual Harassment (Protection and Prevention) Act, 2021, which addresses employment-related concerns about sexual harassment, will also offer additional protection to household workers once this law becomes operational. Additionally, effective June 1, 2023 the national minimum wage will increase from \$9,000 to \$13,000 per 40-hour work week, representing a further increase from April 1, 2022, when the minimum wage was moved from \$7000 to \$9000. Household workers should not be paid below the national minimum wage.

137. Household Workers, ages 18–70, who are earning an income are required to be registered with and contribute to the National Insurance Scheme (NIS), which provides some financial protection to workers and their families against loss of income arising from injury on the job, sickness, retirement and death of the breadwinner. The contribution rate for Household Workers is \$250 per week as of January 1, 2021. Both Employers and Domestic workers must each pay half of this contribution. NIS Benefits for Household Workers include Maternity Allowance; Invalidity Benefit (payable to Household Workers who have been diagnosed with a

permanent medical condition that renders him/her incapable of work for at least twenty-six (26) weeks); Retirement Pension; insurance for pensioners (known as NI Gold); Orphan Benefit (payable to the guardian of a child or children whose parents are deceased); Funeral Grant; Widow's/Widower's Benefit and benefits under the National Housing Trust (NHT).

138. Furthermore, the Ministry of Labour and Social Security is reviewing the Employment Agencies Regulation to facilitate further compliance with C189. To this end, a draft Position Paper has been prepared.

139. The Pay and Conditions of Employment Branch (PCEB) is an arm of the Industrial Relations (IR) Department within the Ministry of Labour and Social Security (MLSS) which conducts labour inspections. Its core function is to ensure compliance with the minimum standards set out in the Labour Laws of Jamaica. PCEB's responsibilities entail: conducting investigations and inspections of establishments, in accordance with the provisions of the Labour Officers' Powers Act; interviewing clients (employees and employers) and determining whether formal complaints are necessitated; documenting complaints in relation to pay and conditions of employment and following up until the complaints are settled/resolved; conducting mediation sessions with complainants and employers; reviewing and re-assessing complaints/cases and determining whether a court referral should be initiated; accepting monetary settlements on behalf of complainants.

140. During the 2019/20 financial year, 2,846 complaints were received by PCEB (This does not include figures for St. James). Females accounted for the majority, 1,804 or 63.3 %, of the complaints made to the PCEB. The highest number of complaints, 1,260 or 44.2% of the total, were associated with the Holidays with Pay Act, followed by Employment (Termination and Redundancy) Act (ETRPA) with 1,197 or 42% of complaints; 383 or 13.4% of complaints related to Minimum Wages; less than 1% (6 or 0.2%) of total complaints concerned the Maternity Leave Act.

141. During the 2020/2021 financial year, 2,657 complaints were received by the Pay and Conditions of Employment Branch (PCEB), from April-December 2020 (This data was not further disaggregated by sex). Most of the complaints – 1,355 or 51.1% of all complaints – were related to alleged contraventions of the Employment Termination and Redundancy) Act (ETRPA). During the year, 311 investigations were conducted. Of this number, 165 or 53 % were in relation to breaches of the Minimum Wage Act.⁷

142. The Industrial Relations Department has established a COVID-19 Hotline where clients, workers, employers and the general public can contact the MLSS via WhatsApp, text or call in order to obtain information on the Labour Laws, register a complaint or clarify any labour related concern.

XII. Health

Reply to paragraph 15 of the list of issues and questions

143. In the final report from the 2007 Abortion Policy Review Advisory Group, sections 72 and 73 of the Offences Against the Persons Act, which addresses abortion, were recommended to be repealed and substituted with a civil law, "The Termination of Pregnancy Act". In 2010, a JSC was established to further deliberate on the abortion legislation. A draft report was prepared by the JSC but was not finalized for tabling in Parliament. Per the JSC Sexual Offences final report, published in 2018, it

⁷ Ministry of Labour and Social Security Annual Report 2020–2021.

was recommended for the members of the JSC to regroup to review the draft report and submit it to Parliament, or that another method for the report's review and submission be determined. To date, abortion law reform in Jamaica remains pending, with the procurement of an abortion remaining mostly criminalized. Currently, there is renewed advocacy to put abortion on Cabinet's agenda, as well as, the administration of a conscience vote to resolve the issue of legalising abortion in Jamaica.

144. The process to develop a Sexual and Reproductive Health (SRH) Policy is underway, with a revised Concept Paper seeking approval for its development, due for presentation to the Cabinet.

145. To ensure the access of women and girls to affordable modern contraceptive methods, The National Family Planning Board (NFPB) utilises a contraceptive Procurement Plan and initiates the procurement process in advance of demand from the Regional Health Authorities to ensure the availability of the commodities and to avoid stock-outs. When necessary, the NFPB engages in emergency procurement on the local market or airfreight shipment of the commodities. Training in forecasting and data management techniques is provided island wide to public health nurses and midwives to enhance availability and reduce stock-outs to family planning clinic attendees. Additionally, training is provided to doctors, nurses and mid-wives in the insertion of intrauterine devices and the promotion of long-acting reversible contraceptives, such as the Jadelle implant.

146. Sexual and reproductive health specific public awareness/health promotion campaigns are undertaken, through television and radio interviews that are developed and aired to improve gender-specific public awareness. Some are funded by the Government of Jamaica through NFPB and others through grants, such as that from the International Development Bank (IDB), which focused on the administration of long-acting reversible contraceptives at no cost to 500 adolescents. The project output is to have one (1) health centre in 10 of the 14 parishes which offers all family planning commodities and services, including the Jadelle implant, which is mainly obtained at hospitals. Numerous social media engagement through Instagram, Twitter and Facebook are implemented which increase the visibility and accessibility of the family planning products and services offered, as well as promote safe pregnancies, addressing issues such as hypertension, diabetes and overweight. Additionally, women are invited to visit the Victoria Jubilee Hospital and participate in the family planning clinic, where they are afforded the opportunity to access the contraceptive implant, Jadelle. Concomitantly, the National Family Planning Board provides the commodities to the Regional Health Authorities and replenishes supplies of the commodities to meet their orders.

147. The health sector continues to take progressive steps to ensure the continuous supply of modern contraceptive methods in regular care and in the context of COVID-19. Firstly, the National Family Planning Board take steps to secure the availability of a range of contraceptive methods for clients to choose from, it provides training in forecasting and data management at least twice yearly and periodic audits of the family planning logbooks at health facilities to ensure that stock-outs are avoided. Additionally, outreach efforts have been increased in some Regions to inform patient populations about the available family planning services.

148. Islandwide, the public health system continues to ensure the availability of commodities/services and access to contraceptive methods prior to and during the COVID-19 pandemic. Family Planning services and commodities remain accessible, although COVID-19 has resulted in persons having to wear masks when visiting health facilities, undergoing a body temperature check for entry to health facilities, sanitising, social distancing and adhering to all COVID-19 guidelines. Additionally,

outreach efforts have been increased in some Regions to inform patient populations about the available family planning services and the reduction in early pregnancies, including statistical data thereon, and maternal mortality.

149. In 2013 it was reported that Jamaica's adolescent fertility rate (births per 1000 women ages 15–19) was 69 which progressively reduced over the previous years, moving from 112 per 1,000 in 1997, 79 in 2002 and 72 per 1,000 girls in 2008. Per the Economic and Social Survey of Jamaica (2014) Jamaica's maternal mortality ratio (MMR) is 94/100,000. This represents a shortcoming in relation to the MDG target, which requires a 75% reduction in maternal mortality, which would reduce the number of deaths to 23/100,000. The MMR varies among specific age groups and with parity; women over 30 had an elevated risk as well as women with parity 5+. The data suggests that fertility rates among women over 30 are steadily increasing, due to an increase in the popularity of the choice to delay pregnancy and child rearing. Since 2014 the Programme for the Reduction of Maternal and Child Mortality (PROMAC) has been active to reduce maternal and neonatal mortality and morbidity, and improve maternal outcomes in Jamaica.

XIII. Economic empowerment of women

Reply to paragraph 16 of the list of issues and questions

150. The Ministry of Industry, Commerce, Agriculture and Fisheries (MICAF) – now known as the Ministry of Industry, Investment and Commerce (MIIC) – and the Ministry of Culture Gender, Entertainment, and Sport (MCGES), through the Bureau of Gender Affairs, signed a memorandum of understanding on November 1, 2017 to facilitate strategic partnership on programmes for women in entrepreneurship through the Women's Entrepreneurship Support (WES) Project. Specifically, the WES project aimed to provide financial support to create a favourable climate to increase the number of women entrepreneurs and the size of their companies. The MIIC mobilized funding for this project for 2 years, which benefitted 10 women in each financial year during which it was active.

151. Phase I of WES was launched on November 13, 2017 and four (4) beneficiaries were allocated funding to purchase materials and equipment, to renovate and expand their businesses, as well as to set up business-related projects.

152. Phase II of WES was launched on August 26, 2021. Under Phase II, ten (10) women in Medium, Small and Micro enterprises (MSME) received a financial assistance of \$100,000 each to assist with sustainability and expansion of their businesses as well as recovery from COVID-19. They also received six-week training workshop sessions to provide the necessary knowledge and empowerment opportunities to scale up their enterprises.

153. During the 2021/2022 financial year, MIIC and the Private Sector Organisation of Jamaica (PSOJ) launched a SME Access to Finance Advocacy and Action Form to raise awareness among the financial sector about the need to make access to affordable financing more inclusive for all groups, specifically women and youth.

154. Additionally, the MIIC in collaboration with the Bank of Jamaica hosted a webinar in 2023 to promote financial inclusion for disadvantaged groups, namely women, youth and the disabled.

155. The GOJ, through the Ministry of Labour and Social Security (MLSS) operates various programmes which aim to reduce poverty and stimulate economic activity among disadvantaged persons:

- The Rehabilitation Programme, established since 1972, provides assistance to individuals in need, whether for compassionate purposes or for income generation. The Programme offers four (4) types of grants, including a Rehabilitation Grant, which specifically helps individuals/families to undertake income generating projects to improve their economic status. It provides assistance to establish or improve small businesses, in areas such as haberdashery items, dressmaking, cosmetology, cattle and poultry rearing and farming etc. At the end of March 2020, 4,117 individuals benefitted from all grants disbursed through the Rehabilitation Programme, totalling J\$165.6M for FY 2019/20; 75.6% (3,115) of all grant beneficiaries were females. Of that total, 1,025 beneficiaries received Rehabilitation Grants totalling J\$40.9M; 78% (800) of Rehabilitation Grant beneficiaries were females.

156. For FY 2020/21, J\$17.8M was disbursed in Rehabilitation Assistance Grants to 356 individuals (72% females):

- The Social Intervention Programme (SIP) offers Short Term Employment and Educational and Entrepreneurship Grants (E&EG) to beneficiaries. Short-term employment is offered through its Special Employment Programme (SEP), where decent and productive employment opportunities are created for young unattached persons, aged 18–35 years, for a period of six (6) months. SEP's objectives are to offer skills training to these individuals, introduce them to the work environment, equip them with marketable experience to access long-term employment, and to promote economic opportunities. For FY 2019/20, 446 individuals were placed in short term employment through SEP; 83% (370) of SEP placements were females.

157. For the 2020/2021 FY, 373 individuals were placed under the SEP; 76.7% of the individuals placed were female:

- SIP's Education and Entrepreneurship Grants (E&EG) Programme, targets “at risk” youths, 16–40 years of age, and enables them to pursue further education and training or be engaged in entrepreneurial activities. For FY 2019/20, J\$35.6M was disbursed to 462 youths under the E&EG Programme; 95% (439) of total E&EG beneficiaries received Educational Grants, 74.9% (329) of which were females. Twenty-three (23) persons benefitted from the Entrepreneurial Grants, 60.8% (14) of which were females.

158. In FY 2020/2021, J\$36.7M was disbursed to 417 (321 F; 93 M) youths under the E&EG component of SIP. Of this amount, 400 (313 F; 87 M) youths received Educational Grants amounting to J\$35.2M:

- On November 1, 2017, the Ministry of Culture, Gender, Entertainment and Sport (MCGES) signed a Memorandum of Understanding with the Ministry of Industry, Commerce, Agriculture and Fisheries (MICAF) to promote women in business. The objective of this MOU is to facilitate more opportunities for women in the micro, small and medium-size enterprise (MSME) sector. The agreement is designed to promote sustainable and productive entrepreneurial activities to generate income among disadvantaged women, particularly among those persons living in poverty and rural women;
- The Rural Economic Development Initiative (R.E.D.I). The REDI project, which began in January 2010, improved market access for micro and small-scale rural agricultural producers and tourism projects. The overall objective of REDI was to reduce rural poverty by increasing the earning potential of rural communities. This was facilitated specifically through the enhancement and development of agricultural supply chain linkages and community-based tourism initiatives. The REDI project was successfully concluded on July 27,

2017. An evaluation of the REDI project revealed that the project had coverage in 10 of the 14 parishes in Jamaica, with an effect on approximately 70,000 beneficiaries, with 51 per cent of the beneficiaries being rural women. The study identified the main benefits from the REDI project to rural women, as access to financial services, improved infrastructure, increased employment and enhanced economic opportunities, market expansion, greater integration into the formal sector, enhanced social cohesion, greater levels of accountability, resilience and self-development;

- The Special Emergency Relief Programme was introduced in November 2020 to assist individuals affected by the COVID-19 Pandemic and assisted 5,060 persons, by the end of FY 2020/2021, with Compassionate Grants, totalling J\$90.8M.

159. The MLSS also operates similar programmes for persons with disabilities (PwDs):

- The Jamaica Council for Persons with Disabilities (JCPD) is responsible for the implementation of policies and programmes for Persons with Disabilities (PwDs). In terms of programmes, the JCPD provides PwDs with assistance in obtaining employment; grants for income generating projects; assistance with school fees and books. A J\$17MEconomic Empowerment Grant (EEG)/Assistive Aids Grant (AAG) is made available to PwDs to facilitate their management of small business ventures for their economic development, as well as their acquisition of assistive devices. As at March 31, 2020, 71 clients were approved for the economic Empowerment Grant, receiving a total of J\$8.75M; 38 per cent (27) of the recipients were females;
- The Abilities Foundation (AF), established in 1992, is a specialised vocational education and training programme for PwDs. AF aims to increase the employability of PwDs and facilitate their social and emotional readjustment into the wider society. AF's Training Programmes include: Housekeeping, Furniture Making, Data Operations, and Horticulture and Landscaping. Students receive job coaching and placement, upon completion of their training. Herb Thyme is the Social Enterprise established by the Foundation to produce vegetables, herbs, as well, as occasional home decor in the form of plant terrariums. In February 2020, FHI360/USAID awarded a grant, of approximately J\$3M, to establish the implementation of the Herb Thyme Social Enterprise. The main objective of this Capital injection was to create a sustainable stream of income to assist the programme delivery of the foundation and create job apprenticeship opportunities for the disabled community. This project was successfully executed and was closed in March 2020. Additionally, the United States Embassy Innovative Women Grant Award (US\$ 20,000), was implemented as a pilot project aimed at empowering women to be independent and innovative. Through this initiative, 20 women with disabilities were successfully trained in Furniture Making and Agriculture. In addition, the beneficiaries were placed in job apprenticeships for three (3) weeks and earned a stipend of US\$60 per week.

XIV. Rural women

Reply to paragraph 17 of the list of issues and questions

160. As Jamaica works towards achieving the Committee's general recommendation No. 34 (2016) on the rights of rural women, the BGA continues its efforts to mainstream gender throughout Jamaica, towards the development of human capital

and the achievement of gender equality and social justice as outlined in the NPGE and the NSAP-GBV. To this end the BGA promotes the empowerment of rural women and girls through various community-based initiatives, public education and training and project implementation. These initiatives include public education and awareness raising, through school and community-based sensitization, mobilizing and empowering rural/inner city women and conducting first level interventions for persons in crisis, financial literacy training and other empowerment sessions to strengthen the collective voice, leadership and decision making of rural women and girls.

161. The BGA commemorates Activities for International Day of Rural Women (IDRW) on October 15 annually to highlight the role of Rural Women and exceptional contribution to the enhancement of agriculture, food security, eradicating rural poverty and rural and national development. Also, to strengthen efforts to ensure that the economic, social, psychosocial, and developmental needs of rural women are addressed. Examples of such initiatives held are:

- On Wednesday, October 17, 2018, the Women's Empowerment Forum "Breaking Barriers: Transforming Rural Women's Lives" was held: The session empowered rural women, by providing them with beneficial information on social and economic services offered across Jamaica; and highlighted the hard work of rural women across the country through the *Rural Women's Achiever Award*;
- A Courtesy Call was held in October, 2018 with the Honourable Prime Minister, and Minister of Culture, Gender, Entertainment and Sport with rural women to highlight the issues faced by rural women at all levels of society;
- "The Beautiful Woman is Me" Motivational Chat was held on Friday, October 19, 2018. This motivational dialogue with women from the parish of St. Catherine, aimed to provide encouragement, build confidence, build leadership and decision-making;
- "The Beautiful Woman is Me" Motivational Chat held on Tuesday, October 23, 2018. This motivational dialogue with women with disabilities from the parish of St. James, aimed to provide encouragement, build confidence, build leadership and decision-making;
- The Youth Forum, "Rural Girls Rock", was held on Thursday, October 25, 2018. The aim of the event was to empower young rural girls and highlight their hard work and achievements towards community and national development through the *Rural Girls Rock Award 2018*;
- A Capacity Building Forum, "Empowering Rural Women: Fostering Entrepreneurship", was held on Tuesday, October 30, 2018. This forum provided information to rural female entrepreneurs on ways to improve the productivity of their business, whilst balancing their role within the family. Topics included: marketing techniques, business etiquette, decision-making skills, customer service skills, climate change and disaster risk management and report and project proposal writing.

162. In 2019, IDRW was hosted by the BGA in partnership with the Jamaica Network of Rural Women Producers (JNRWP) under the local theme "Setting the Pace for Tomorrow's Generation through Transformational Empowerment: Level Up Series" by way of: a commemorative church service held in Cheltenham, St. Elizabeth in which 66 individuals were impacted – 56 females and 10 males; a Women's Empowerment Forum, in Montpelier, St. James impacting 130 participants – 120 females and 10 males – and a *Rural Girls Rock* Youth Forum in Frankfield, Clarendon impacting 70 participants – 66 females and 4 males.

163. Continuous sensitization through financial literacy training and sensitization is conducted as part of the programmatic initiatives of the BGA; this is important as economic empowerment for human capital development and social inclusion is vital towards achieving Gender Equality. Since 2016 – 2020 the Bureau has conducted over twenty-five (25) financial literacy training and empowerment sessions with rural women across Jamaica to strengthen the participation of vulnerable rural, over twenty (25) sensitizations on gender mainstreaming with rural community groups. The BGA provided technical support to over sixty (60) community groups for institutional strengthening and capacity building. Additionally, the BGA hosted over thirty (30) community health fairs with rural women to promote awareness, on human rights, sexual and reproductive health through various community –based gender related activities.

164. To commemorate IDRW celebrations in 2022, the Bureau of Gender Affairs hosted the following activities:

- Two Empowerment Workshops were held on Monday, October 10, 2022, in St. Mary and on Thursday, October 13, 2022 in St. Elizabeth. These workshops covered topics including mental health, financial literacy, goal setting and planning for rural and sustainable development;
- Youth Forum “Rural Girls Rock” was held at the Bishop Gibson High School in Mandeville, Manchester on Wednesday, October 12, 2022. The event aimed to empower young rural girls by providing encouragement, building their confidence, building their leadership qualities, and highlighting their hard work and achievements towards community and national development;
- The IDRW Banner Event, Women’s Empowerment Forum was held on Friday, October 14, 2022. This event was carried out by the BGA in collaboration with the Jamaica Network of Rural Women Producers.

XV. Women with disabilities

Reply to paragraph 18 of the list of issues and questions

165. The Planning Institute of Jamaica (PIOJ) is mandated to spearhead the development of a National Development Plan, Vision 2030 Jamaica that provides a guide to Jamaica into achieving developed country status by 2030. A succinct and yet broad vision was crafted – Jamaica the place of choice to live, work, raise families and do business – as the ideal around which the plan would be developed. To support this objective, the PIOJ identified a number of thematic areas that should be addressed by the Plan and established Task Forces to develop sector plans under each of the thematic areas. A special Task Force – Persons with Disabilities Task Force – was formed to look at the issues faced by persons living with disabilities and to keep their issues on the top of the policy agenda. Disabilities are one of the themes addressed in public policy under the broad umbrella of Social Protection. The Persons with Disabilities Sector Plan contributes to Jamaica’s National Outcome 3, “Effective social Protection” which falls under Goal # 1: “Jamaicans are empowered to achieve their fullest potential”. In this light Jamaica’s Social Protection Plan approved in contextualizing the national agenda, Jamaica’s Strategic Priorities focuses on: human capital development, economic growth and job creation as well as social inclusion and development.⁸ Jamaica’s development framework is aligned with the Vision 2030

⁸ Sectoral Presentation 2016-2017 Hon. Olivia “Babsy” Grange, CD, MP Minister of Culture, Gender, Entertainment and Sport. BUILDING SUSTAINABLE PROSPERITY through Culture, Gender, Entertainment And Sport: “FOUR THE HARD WAY”.

Jamaica–National Development Plan, the third Medium-Term Socio-Economic Framework 2015–2018 and the Gender Sector Plan, framed within the sustainable development global 2030 agenda.

166. In 2014, GoJ approved a comprehensive National Social Protection Strategy (SPS) to ensure that the poor and vulnerable are not left behind. The strategy was developed in response to the country's commitment to ensuring the security of all its residents and citizens, specifically to target the attainment of agreed basic minimum standards of living and address the various threats. The Jamaica Social Protection Strategy treats gender, disability, age and location (rural/urban) as cross-cutting themes and determinants of national social protection policy imperatives.

167. The Disabilities Act 2014 makes provisions to protect and ensure the welfare of persons with disabilities in Jamaica. The main objectives of the Disabilities Act are to: encourage all Jamaicans to recognize and accept the principle that PWDs have the same fundamental rights as any other person; promote individual dignity, freedom of choice and independence, of PWDs; make sure that PWDs are able to take part effectively and are included on an equal basis with others in all aspects of national life; prevent or prohibit discrimination against PWDs; promote acceptance of PWDs and respect for their differences as human beings. The Disabilities Act 2014 identifies a number of key areas for the full inclusion of persons with disabilities such as the right to Education and Training; the right to Employment; the right to Adequate Healthcare and Accessible Facilities and the right to housing and to enter premises.

168. Additionally, Jamaica's National Policy for Persons with Disabilities was tabled in Parliament on September 26, 2000. It is geared towards setting guidelines and directions for the Government for the equalization of opportunities for Persons with Disabilities, assisting the government in strengthening its capacity to address disability issues as well as assist individual agencies to improve their capacity to address disability issues within their area of functional responsibility. The Policy also provides a framework for agencies of government to cooperate in developing and implementing policies designed to provide equal opportunities for people with disabilities in all aspects of life. One of the main objectives of the policy has been to enrich the lives of persons with disabilities by promoting individuality and freedom of choice and independence by reducing the level of isolation experienced by such persons so as to encourage integration in all aspects of society. As it relates to the right to health, the policy states that the specific goal is to allow persons with disabilities to enjoy a better quality of life and to prevent secondary disabilities. Also, to ensure that they are provided with the necessary assistance in terms of rehabilitation so that they can achieve their full potential.

169. To achieve this goal, a number of health care services are organized; health promotion/prevention, screening, early detection and treatment, rehabilitation services and community care, including early intervention and follow up care on a continuous basis in order for persons with disabilities to reach and sustain their optimum level of independence and functioning. The policy promotes a national health program that provides an integrated health service for persons with disabilities which includes the prevention of a disability, whether occurring prenatally or post-natally; the prevention of a disability through immunization, nutrition, environmental protection and preservation, genetic counselling, early detection of disability and timely intervention to minimize disabling conditions and medical treatment and early rehabilitation of persons with disabilities.

170. The GoJ recognizes the right of persons with disabilities to have access to quality healthcare and social protection services. Presently, all public health facilities exercise a no user fee policy for everyone. However, due to challenges such as the long waiting time, inadequate resources and equipment such as limited bed spaces in

hospitals and the inadequate supplies of medication, the government is reviewing the policy to ensure that the quality of service is not further diminished. The Government will examine the potential advantages of implementing an effective waiver system determined on the person's ability to pay.

171. The non-discrimination provision of the Jamaican Constitution is relevant to treating with healthcare. Persons with disabilities have access to these health services on the same basis as other persons, including in relation to sexual and reproductive health. In a collaborative effort between the JCPD and several Non-Government Organizations providing services for persons with disabilities, an extensive Sexual and Reproductive Health programme was implemented. The project saw sexual and reproductive services being provided to women with disabilities across the island. The project also saw the establishment of a special window at the Jamaica Council for Persons with Disabilities (JCPD) to provide various contraceptives for women and men with disabilities. Support for this programme came from funding by the Government of Jamaica and the United Nations Population Fund (UNFPA). This programme has since morphed with services provided in regular pharmacies as sensitization sessions increased and continued for medical practitioners and pharmacists enabling them to provide more client-friendly services. The Government continues to work with sections of the disabilities community to address lingering concerns about confidentiality in these scenarios.

172. The MoH provides medical rehabilitation services through the Sir John Golding Rehabilitation Centre free of cost. The Centre offers long-term rehabilitation services with eleven other public hospitals providing acute care. General health care services are also available to persons with disabilities at clinics in each parish. The Ministry of Health, through its national HIV-AIDS prevention and treatment programmes, has also included persons with disabilities who have become more aware of their vulnerability to sexually transmitted infections and abuse.

173. Training on the provision of services to persons with disabilities is provided to primary care physicians, nurses, physician assistants, and rural health workers by various MDAs. In addition to public awareness campaigns, some public health nurses and midwives are also currently being trained in collaboration with the National Family Planning Board to ensure that disabilities and the rights of persons with disabilities are understood. The training will ensure that communication with persons with disabilities can be better facilitated and sexual and reproductive health issues are adequately addressed. This project also makes provision for contraceptive counselling for adolescents with disabilities.

174. The Mental Health Unit is a part of the Health Services, Planning and Integration Branch of the Ministry of Health. The Mental Health Unit is primarily charged with the responsibility of developing policies and plans to address the promotion of mental health, the prevention of mental disorders and the development of a comprehensive range of services to facilitate early detection, treatment and rehabilitation across the lifespan, for persons with disabilities. Important outputs of this process are the National Mental Health Policy and National Strategic Plan for Mental Health. Another important aspect of work of the Mental Health Unit is the recommendation of legislative amendments to ensure that Jamaica's Mental Health Legislation is in keeping with international best practice standards.

175. Based on the Convention on the Rights of Persons with Disabilities the term "habilitation" describes the process of supplying a person with the means to develop maximum independence in activities of daily living through training or treatment and rehabilitation services. The issue of accessibility and habilitation conjoin to afford persons with disabilities with independence throughout all areas of public life. The habilitation process involves the development of appropriate behaviours inclusive of

self-advocacy skills, social graces and self-care and grooming habits and the development of cognitive skills. Important to the habilitation and rehabilitation process for persons with disabilities is the use of technology. Assistive mobility devices are available at the Sir John Golding Rehabilitation Centre on a subsidized basis. The JCPD also provides financial assistance through their Assistive Aid Grants to purchase these aids. Assistive devices for Blind/visually impaired and deaf and hard-of-hearing are also available at the Jamaica Society for the Blind and Jamaica Association for the Deaf.

176. The MoH in keeping with the United Nations Convention on the Rights of Persons with Disabilities has continued to plan for and sensitize its medical professionals regarding Persons with disabilities. The Standards and Regulations Division, in collaboration with the Health Policy and Planning Division in recent times have invited the JCPD to participate in the planning and implementation of policies and programs for persons with disabilities. PLWD are also on the national planning and steering committees. Jamaica's Dr. Floyd Morris is one of on the nine-member United Nations Committee on the Rights of Persons with Disabilities (CRPD). He is the first Jamaican and English-speaking Caribbean person to be elected to the committee, to serve as an independent expert to monitor the implementation of the Convention for the Rights of Persons with Disabilities by the states which are signatories.

XVI. Climate change and disaster risk reduction

Reply to paragraph 19 of the list of issues and questions

177. The project, "Facilitating a Gender Responsive Approach to Climate Change Adaptation and Mitigation in Jamaica" was launched in January 2021. The project is being administered by the Planning Institute of Jamaica (PIOJ). The project was financed by a grant of US\$270,000 from the Green Climate Fund Readiness and Preparatory Support Programme is being implemented to strengthen the nation's institutional coordination, promoting gender responsive climate action and ensuring that policies, programmes and projects address gender inequalities.

178. The initiative brings together climate change practitioners and gender experts from the Bureau of Gender Affairs, to construct and advance the gender and climate change agenda. The initiative will build the gender and climate change nexus by executing a gender assessment of policies and plans, and the preparation of a Gender and Climate Change Strategy and Action Plan and promotion of gender mainstreaming of sectoral policies.

179. The project will also strengthen coordination mechanisms by increasing dialogue between gender focal points and the climate change focal point network within Ministries, Departments and Agencies, to strengthen the institutional linkages for climate action. It will also develop functional multi-stakeholder mechanisms and that will be done by establishing a gender thematic working group under Vision 2030 to ensure that the Gender and Climate Change Strategy and Action Plan (GCCSAP) is implemented in line with the United Nations Framework Convention on Climate Change (UNFCCC) Gender Action Plan, and that the gender issues are mainstreamed into the Sectoral National Action Plans and our Nationally Determined Contributions (NDC) implementation. It is expected also that it will further explore gender budgeting.

180. In July 2022, the GoJ launched the Gender and Climate Change Strategy and Action Plan (GCCSAP). The GCCSAP is being led by the Climate Change Division in the Ministry of Economic Growth and Job Creation, and the Bureau of Gender

Affairs. The plan is designed to lay the groundwork for mainstreaming gender and climate considerations into projects and policies as a means of effective disaster risk reduction and strategic development planning.

XVII. Migrant, asylum-seeking and refugee women

Reply to paragraph 20 of the list of issues and questions

181. Jamaica is a State party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter referred to jointly as the 1951 Refugee Convention). Jamaica has also acceded to the 1961 Convention on the Reduction of Statelessness (1961 Convention).

182. The adoption by the Government of a National Refugee Policy in 2009, strengthening the pre-existing ad hoc framework for the determination of refugee status, is a positive model for other States and territories in the region. Jamaica provides refugees with protection, including granting asylum to refugees arriving in the country individually as well as during periods of “large-scale influx”. Further, most long-staying refugees in Jamaica have now met the “length of stay” requirements that would qualify them to apply for naturalization, which would constitute the most appropriate durable solution. The policy articulates zero tolerance for exploitation, stigma or discrimination in any form.

183. In 2019, a review was undertaken by the MLSS with a view to improving laws and policies governing recruiters, employers and intermediaries. Specific sensitization sessions are facilitated by the Ministry of Labour and Social Security for women who participate in the bilateral circular migration programmes.

184. Currently the Ministry of Health offers universal physical and mental health services for women and incremental steps to integrate migrant health concerns into its public health policies. An example of one such strategy employed is the provision of female kits by the MOH for forced returnees upon their return as well for irregular migrants who have been detained and are being processed. There are separated facilities for the hosting of female migrants, asylum seeking and refugee women in correctional, medical and half way houses. Also:

- Counter trafficking and anti-smuggling capacity building with the police, immigration and labour and defense officers that cover areas specific to the treatment and processing of women;
- By improving pathways to economic empowerment through the development and implementation of a livelihood initiative specifically designed for rural women adversely impacted by migration. This initiative allowed women to increase opportunities for income generation as well as accessing social protection benefits;
- The facilitation of special pre departure sessions with females who are being repatriated or being reunified with family;
- Ratification and implementation of conventions such as the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)”, which specifies that norms presented in the ICRMW are applicable to both men and women migrant workers and that legislation adopted in conformity with this Convention should ensure that women migrants are fully protected.

185. Jamaica is the first Caribbean Community (CARICOM) Member State, to ratify the 1961 Convention on the Reduction of Statelessness in February 2013. Regarding

birth registrations Jamaica has the compulsory Child Registration Initiative by the Registrar General's Department (RGD), in which birth registration and an initial copy of the birth certificate is provided free of cost to mothers right after giving birth. This initiative has captured more than 98 per cent of the country's births.

186. Also, applications for Jamaican Citizenship are done in different categories. These include applications for citizenship: descent, 12 marriage, 13 naturalization, 14 registration (Commonwealth), 15 and registration (Minor). Article 4(2) of the Nationality Act provides a general safeguard for children who would otherwise be stateless, including foundlings, the language is overly broad and discretionary.¹⁷ Therefore, the Government of Jamaica should be encouraged to reform its Nationality Act to incorporate sufficient safeguards to prevent statelessness in accordance with Article 2 of the 1961 Convention.

187. With regard to supporting long-staying refugees, Jamaica has designated social workers employed by the Ministry of Labour and Social Security who provide follow-up, counselling and facilitation in access to education and health to some of the Haitian long-staying refugees. The UNHCR collaborates closely with these social workers, including by providing financial assistance to meet urgent humanitarian needs of refugees identified by the State social workers.

188. Jamaica participated in the May 2013 "Regional Conference on the Protection of Vulnerable Persons in Mixed Migration Flows – Promoting Cooperation and Identification of Good Practices" which was jointly organized by UNHCR and IOM in The Bahamas, as well the sub-regional conference for the Caribbean region organized in the Cayman Islands in September 2014, in the context of 30th anniversary of the Cartagena Declaration on Refugees. Participants discussed, amongst other issues, opportunities for enhanced regional cooperation and partnership in order to respect international and regional protection standards and improve the management of mixed migration movements throughout the Caribbean region. Jamaica issues Convention Travel Documents to recognized refugees.

189. Jamaica's accessed to the 1961 Convention on 9 January 2013. Under Chapter two of the Jamaican Constitution, persons born in Jamaica (jus solis) 10 and persons born outside of Jamaica to Jamaican parents have an automatic right to Jamaican citizenship (jus sanguinis). Applications for Jamaican Citizenship are done in different categories. These include applications for citizenship: descent, 12 marriage, 13 naturalization, 14 registration (Commonwealth), 15 and registration (Minor).

190. While Article 4(2) of the Nationality Act provides a general safeguard for children who would otherwise be stateless, including foundlings, the language is overly broad and discretionary.¹⁷ Therefore, the Government of Jamaica should be encouraged to reform its Nationality Act to incorporate sufficient safeguards to prevent statelessness in accordance with Article 2 of the 1961 Convention.

191. The BGA, along with other MDAs and NGO's provide training and sensitization on gender-based of training programmes for the police, including border police and immigration authorities, in combating discrimination and gender-based violence against women.

192. Jamaica has several programmes in place targeting people in vulnerable situations to facilitate their access to health care services such as the Programme of Advancement through Health and Education (PATH), the Jamaica Drug for the Elderly Programme (JADEP) and the National Health Fund (NHF). The Ministry of Health has expanded the National HIV/STI Response Programme (NHP), which includes coordination between the MOH and the ministries of Labour and Social Security, National Security, Local Government, Education and Tourism. There are no

set provisions regarding migrant access to services through NHP, however, there are not denied access to health care services through the programme.

193. There is no distinction between migrants and nationals in accessing the following:

- Primary health care;
- Secondary and advanced care services;
- Mental health services;
- Post exposure prophylactic treatment;
- Services through national plan on HIV.

194. Policy provisions, protocols, the level of access to social and health care services that can be accessed by migrants continue to be guided by the following international treaties, Constitution of the World Health Organization, International Health Regulations, Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural rights, Convention on the Elimination of all Forms of Discrimination against Women and Resolution WHA 61.17 on the health of Migrants.

195. It should also be noted that protocols are also in place for health provisions for victims of trafficking (VOT) and that healthcare professionals have received sensitization training on service provision to VOTs arranged by NATFATIP. Jamaica has also developed a plan that details the actions necessary for the provision and management of medical and health-care services from the arrival/recognition of undocumented migrants, refugees, or displaced persons to their departure whether by repatriation or other agreed mediums.

196. The Jamaican Government, through designated social workers employed by the Ministry of Labour and Social Security, provides assistance and counselling to some of the Haitian long-staying refugees. The state social workers have played a particularly important role in facilitating and ensuring refugee women access to basic social protection benefits and UNHCR financial support for these women and families has also been channelled through MLSS. UNHCR and the MLSS social workers have undertaken joint home visits to assess the integration challenges and assistance needs of these families together with state social workers.

197. A training module on International Refugee Law, delivered by UNHCR staff, has also been incorporated into the induction training programme for new Immigration Officers and the UNHCR has also been invited in the past to participate in capacity-building workshops to police trainees.