



**International Covenant on
Civil and Political Rights**

Distr.: General
5 May 2026

Original: English
English, French and Spanish only

Human Rights Committee

**Fifth periodic report submitted by Jamaica under
article 40 of the Covenant, due in 2024* ****

[Date received: 11 November 2025]

-
- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State Party to the Committee's list of issues prior to reporting (CCPR/C/JAM/QPR/5).



Introduction

1. The Government of Jamaica (GoJ) hereby submits to the Human Rights Committee, its fifth periodic report, in accordance with Article 40 of the International Covenant on Civil and Political Rights. The report complements the previous reports submitted by the GoJ, the last of which was submitted in 2015, and has been prepared, considering the Concluding Observations and its accompanying Addendum of the Human Rights Committee received in 2016 and 2018 respectively; as well as the List of Issues prior to submission of report received from the Committee in 2023.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

2. Jamaica is undergoing a constitutional reform process to transition from a constitutional monarchy to a republic, with the goal of developing a modern Constitution that reflects the nation's cultural heritage, governance challenges, and development aspirations while embodying the will of the Jamaican people.

3. To guide this process, a Constitutional Reform Committee (CRC) was established on March 1, 2023, to provide expert advice to the Government and the public. The reform is being implemented in three phases, with Phase Two focusing on reviewing entrenched constitutional provisions, including amendments to the Charter of Fundamental Rights and Freedoms (Chapter III).

4. Established in January 2022, the Ministry of Legal and Constitutional Affairs (MLCA) is tasked with driving legal and constitutional reform while ensuring the protection and promotion of human rights. Through its Human Rights Division, the MLCA has conducted public education and sensitization sessions across Ministries, Departments, Agencies (MDAs), schools, and the private sector. The Division also oversees aspects of Jamaica's UN human rights reporting and has organized key initiatives, including a Human Rights Forum and a National Human Rights Debate Competition. Additionally, it has produced educational videos and advertisements to enhance public awareness of human rights issues.

5. The Bail Act 2023 has been passed to repeal and replace the legislation of 2000 and permits the granting of bail at three stages – pre-charge, post charge and post-conviction – in defined cases.¹ These amendments were enacted in consideration of the fact that the previous Bail Act pre-dated the amendments to the fundamental rights and freedoms provisions contained in Chapter III of the Constitution of Jamaica and the bail regime needed clarity and to be reinvented to adequately address circumstances peculiar to Jamaica.

6. The Jamaican Parliament also amended the Domestic Violence Act in 2023 to make new provisions for a widening of the category of persons who can apply on behalf of prescribed persons for a protection order, it widened the orders which can be granted by a Judge and also increased substantially the fine and term of imprisonment for persons who breach protection orders.² Among the significant developments in the institutional framework to combat domestic violence are the establishment of two government shelters for victims of domestic abuse, with a third on the way; the establishment of domestic violence intervention centres at police stations across the island; and the full operationalisation of the National Gender-based Violence Helpline.³

7. The Parliament on September 29, 2023, passed the Child Care and Protection (Amendment) Act, to bring an end to the imprisonment of children who have not committed a criminal offence but who have been deemed uncontrollable. Amendment of the Act includes the repeal of Section 24, which will enable Jamaica to become compliant with

¹ <https://moj.gov.jm/pr/jps-sensitized-new-bail-act-provisions-ahead-its-implementation>.

² <https://jis.gov.jm/senate-approves-bail-act-2023/>.

³ <https://mcges.gov.jm/index.php/gender/item/1013-amended-anti-domestic-violence-law-to-come-into-effect-january-22>.

obligations under notable international treaties on child justice and child rights and establish a fairer and more equitable means of treating with cases involving children exhibiting behavioural challenges, thereby promoting the best interest of the child.⁴

8. The Jamaica Council for Persons with Disabilities (JCPD) as mandated by the Disabilities Act, which came into effect in February 2022, is dedicated to advocating for the rights and inclusion of persons with disabilities (PWDs). Through legislative advocacy, awareness campaigns, and the Disabilities Rights Tribunal, the JCPD works to remove barriers and ensure equal treatment across all sectors of society.

9. In relation to the Optional Protocol to the Covenant, the GoJ is not considering reaccession within this current reporting period.

Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented

Reply to paragraph 2 of the list of issues prior to reporting (CCPR/C/JAM/QPR/5)

10. The establishment of a National Human Rights Institution (NHRI) in Jamaica is presently under review. Nonetheless, the Ministry of Legal and Constitutional Affairs (MLCA) has been formed with the express mandate of protecting human rights and undertaking constitutional reform to accurately represent the will of the Jamaican populace. Jamaica maintains its commitment to the future development of an NHRI for the comprehensive protection and promotion of human rights.

11. While Jamaica does not have a NHRI, several entities currently play key roles in protecting human rights, including the OCA, the Independent Commission, of Investigations (INDECOM), and the Office of the Public Defender (OPD). These institutions operate under broad constitutional or legal mandates and function independently from both the State and the Government. In particular, the OPD is responsible for investigating allegations of constitutional breaches and maladministration lodged by individuals against MDAs, or statutory bodies. Its work includes conducting interviews, collecting relevant documents, and preparing comprehensive reports to support the claims of aggrieved individuals. The OCA's mandate is to protect the best interest of the child and includes to institute proceedings to hold persons accountable and recover damages on behalf of children affected.

12. Jamaica established its Inter-Ministerial Committee on Human Rights comprising of representatives from several government ministries and agencies. This Committee is instrumental in helping Jamaica meet its rights-based treaty obligations and gathering information from government entities as to the State Party's human right issues in order to develop a more comprehensive approach towards human rights. The Committee also meets with civil society organisations for an open dialogue on human rights issues.

13. There are several key pieces of legislation and policy instruments that protect human rights in Jamaica, these include:

- Jamaica (Constitution) Order in Council, 1962, including the 2011 Charter of Fundamental Rights and Freedoms.
- The Public Defender (Interim) Act.
- Electoral Commission (Interim) Act.

⁴ <https://jis.gov.jm/senate-passes-amendments-to-child-care-and-protectionact/#:~:text=The%20Full%20Story,who%20have%20been%20deemed%20uncontrollable.>

- Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007 and the subsequent 2013, 2018, 2021 Amendments thereof.
- The Child Care and Protection Act, 2004.
- Refugee Policy, 2009.

Anti-corruption measures

Reply to paragraph 3

14. The State Party has enacted and amended several key pieces of legislation aimed at effectively preventing and combating corruption. These include:

(a) The Representation of the People Act, 1944 and its accompanying regulations which establish a robust framework for regulating political party funding and campaign financing. Section 52 of this Act creates the National Election Campaign Fund which is designed to support electoral activities. The Fund is a repository of contributions to finance candidates and registered political parties. The Director is responsible for maintaining accurate financial records and preparing annual statements. These accounts are audited annually by an auditor appointed by the Electoral Commission of Jamaica, and the Auditor-General retains the right to examine the Fund's accounts at any time. The ROPA also provides for the election of members of the House of Representatives, and for the franchise for such elections, and for the registration of electors for the House of Representatives and the conduct of elections. The ROPA was last amended in 2024.

(b) The Public Procurement Act (2015), along with its associated regulations provides efficiency, and economy in public procurement. The Office of Public Procurement (OPP) monitors and reviews the operation of the public procurement process and manages an electronic system (Procurement Endorsement Database Management System - PEDMS, which has also expedited the review process). The Chief Public Procurement Policy Officer of this entity is also required to establish a code of conduct for all its officers while the Act itself circumscribes how the procurement process should be undertaken. The Office of Public Procurement also maintains a Registry of Approved Suppliers which is a database of vendors approved by the Public Procurement Commission after they have undergone a certification process.

(c) The Integrity Commission Act (2017), provides guidelines for the functions of public officials, strengthens mechanisms for the prevention, detection, investigation, and prosecution of corrupt acts, and ensures that public contracts are awarded impartially. It also aims to bolster public confidence in the government's ability to investigate and address corruption transparently and fairly. Under Section 39 of this Act certain categories of public officials (parliamentarians, permanent secretaries, Heads of Departments and agencies and other senior public officials) are required to submit annual statutory declarations of their assets, liabilities, and income.

(d) The Proceeds of Crime Act (2007) and the Money Laundering Prevention (Amendment) Regulations (2019) - enhance the capacity to combat money laundering. POCA imposes legal obligations on regulated entities (both public and private sectors entities) to report suspected instances of money laundering. Section 94 of the Act specifically requires that any person or entity who knows or suspects, or has reasonable grounds to know or suspect, that another person is engaged in money laundering, must make a report as soon as is practicable. Such disclosure should be made to a nominated officer within the organization or directly to the designated authority, namely the Financial Investigations Division (FID). Failure to comply with this reporting obligation may constitute an offence under the Act, regardless of whether the individual or organization is directly involved in the suspected activity.

(e) The Protected Disclosures Act (2011) provides protection to whistleblowers in accordance with Section 7 and 8 of the Act. The whistleblower is protected from being victimized and can report any acts of corruption witnessed during employment or after employment.

(f) The Companies (Amendment) Act (2023), which addresses beneficial ownership in companies limited by shares. This legislation provides clarity on the definition of “ultimate ownership” and outlines the various categories of beneficial ownership.

The Integrity Commission (IC)

15. Jamaica, in 2017, passed the Integrity Commission Act, subsumed the Commission for the Prevention of Corruption, the Integrity Commission, and the Office of the Contractor General into a single entity. This legislative milestone marked a significant step toward strengthening Jamaica’s anti-corruption framework and remains a key benchmark in the country’s ongoing efforts to enhance transparency and accountability. The IC also has its Corruption Prevention Division.

16. The IC was operationalized in 2018 pursuant to the Integrity Commission Act, 2017. The principal objects of the IC are, inter alia, to further encourage and promote propriety and integrity among persons exercising public functions in Jamaica; to promote and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption; to ensure that government contracts are awarded, varied, renewed or terminated impartially, on merit and in a financially prudent manner; and to enhance public confidence that acts of corruption and impropriety committed by persons exercising public functions will be appropriately investigated and dealt with, in a manner which achieves transparency, accountability and fairness.

17. During the reporting period, the IC initiated the process for the implementation of an Electronic Declaration System (EDS) that will allow for, inter alia, greater efficiency in the examination and analysis of statutory declarations. The IC also developed a training programme for Designated Officers responsible for assisting in the execution of the Protected Disclosures Act and established the Corruption Prevention Division in 2021 with the specific mandate of corruption prevention, public education and outreach.

18. The table below provides statistical information from the IC on the number of investigations, prosecutions and convictions in cases of corruption over the past six years.

<i>Year</i>	<i>No. of investigations</i>	<i>Prosecutions</i>	<i>Convictions</i>
2018/2019	906	-	-
2019/2020	906	-	-
2020/2021	913	2	0
2021/2022	121	23	23
2022/2023	74	5	6
2023/2024	55	28	27

19. The Commission’s independence is safeguarded by the Integrity Commission Act (ICA), and in particular, by sub-sections 6 (3)(a) and (b) of the ICA, which provides:

- “In the exercise of its powers and performance of its functions under this Act, the Commission – (a) shall not be subject to the direction or control of any other person or authority, other than the Court by way of judicial review; and (b) shall act independently, impartially, fairly and in the public interest”.
- This Commission has also spearheaded the formulation of the National Anti-corruption Strategy (launched in 2023) upon consultation with government and other entities.

20. Jamaica’s government agencies also issue publications to guide its citizenry and public officials, such as:

- The issuance of circulars and policy direction by the Ministry of Finance and Public Service; – <https://www.mof.gov.jm/documents/procurement/>;
- Code of Ethics for Board Members/Executive Officers of Public Bodies (PBS);
- The issuance of circulars from the Office of the Services Commission;

- The amendment of internal procedures based on court rulings and precedent;
- Guidelines, rules and regulations from the General Legal Council concerning the conduct of attorneys;
- Force Orders from the JCF; and
- Bank of Jamaica Guidance Notes on the Prevention of Money Laundering and Countering the Financing of Terrorism, Proliferation and Managing related risks.

Public Procurement Commission (PPC)

21. The State Party has also developed a Public Procurement Commission (PPC). The PPC is mandated to, inter alia, ensure prudence in the use of public funds; promoting efficiency and integrity in the public procurement process; and ensuring transparency, fairness and equity in the registration of persons, firms and entities under the Public Procurement Act, 2015 and the award of procurement contracts. Each entity must follow Public Procurement Submission Guidelines in the procurement process.

Electoral Commission of Jamaica (ECJ)

22. The Electoral Commission of Jamaica (ECJ), being the body responsible for discharging the functions of the Political Ombudsman, pursuant to The Political Ombudsman (Interim) (Amendment) Act, 2024, has established a framework to effectively manage its legal responsibility as the Political Ombudsman. This responsibility includes holding the political parties accountable to the political code of conduct to which they have subscribed. The ECJ has sought to improve the operations of the Office of the Political Ombudsman by dedicating a unit for coordinating the activities of the OPD, including implementing mechanisms for accepting, processing and responding to complaints from the public.

23. The primary objective of the Electoral Commission of Jamaica (ECJ) is to safeguard Jamaica's electoral processes by facilitating through free and fair elections, their representatives to govern Jamaica. The functions of the Commission include, establishing policies for governing the registration of electors, compiling and maintaining the register of eligible electors and verifying the identity of electors. Sub-section 6A of the Electoral Commission (Interim) Act grounds the Commission's independence as it provides that the Commission should establish its own policies for governing the registration of electors, hire its own staff without reference to Parliament. Further, its oversight function includes the registration of political parties and that it approves such parties that are eligible for funding. The ECJ also has the function of being the Inspectorate of the National Identification and Registration Authority (NIRA) pursuant to Section 27 and Section 1 (1) of the Third Schedule of the NIRA (2021).

Major Organised Crime & Anti-Corruption Agency

24. The Major Organised Crime and Anti-Corruption Agency (MOCA) has also been created as part of the State Party's anti-corruption mandate. MOCA was designated an independent agency as of April 1, 2021. In, 2018, legislation was crafted to give full autonomy and independence to the MOCA. Some of the major strategic objectives of MOCA are to disrupt and dismantle major organized criminal networks, target and confront corruption in the public sector to improve security and governance in Jamaica and detect, cybercrime threats and investigate and prosecute organised cybercrime networks. While MOCA is operationally independent and autonomous, it is subject to the oversight of an Independent Committee as defined and articulated in Sections 10 and 32 of the Major Organised Crime and Anti-Corruption Agency Act as the Oversight Committee.⁵

⁵ <https://www.moca.gov.jm/>.

Non-discrimination

Reply to paragraph 4

25. Section 13 (3(i)) of Chapter 3 of the Constitution- the Charter of Fundamental Rights and Freedoms provides for the right to freedom from discrimination on the ground (i) being male or female; (ii) race, place of origin, social class, colour, religion or political opinions. The Constitution applies to all persons in Jamaica.

26. The Ministry of Labour and Social Security intervenes in complaints concerning reports of discrimination in the workplace provided that the discrimination falls within the definition of or sub-issue of ‘industrial dispute’ under Section 2 of the Labour Relations and Industrial Disputes Act (LRIDA). In addition, the Minister may only exercise his/her powers under the LRIDA to refer a matter concerning discrimination to the Industrial Disputes Tribunal provided that same constitutes or forms part of an industrial dispute.

27. There is no legislation addressing ‘marital status’ as a basis for discrimination however such discrimination in the workplace would be a ground to submit a complaint for intervention by the Ministry of Labour and Social Security or before the Industrial Disputes Tribunal, under the last approved National Policy for Gender Equality (2011). Further, this policy seeks to address discrimination based on gender by promoting gender mainstreaming in Jamaica. Individuals have been trained to support the existing Gender Focal Point (GFP) programme, which is geared towards ensuring equal opportunities for men and women in all ministries, departments and agencies. This policy is being reviewed by the Bureau of Gender Affairs. There have not been any steps taken to repeal section 76, 77 and 79 of the OAPA during this reporting period.

Reply to paragraph 5

Awareness raising is important to combat discrimination/ violence against:

(a) *Women*

28. The Bureau of Gender Affairs (BGA), the Government’s national machinery to eliminate gender-based violence, as part of their mandate engaged in ‘No Excuse for Abuse’ Community Chats in areas that experience various forms of domestic violence. This activity, which involved the distribution of flyers and talks with residents, was a part of the BGA’s ‘No Excuse for Abuse’ 2023 public education campaign to end violence.⁶

(b) *Persons living with disabilities*

29. The Jamaica Council for Persons with Disabilities (JCPD) has conducted workshops, seminars, and media outreach programmes to educate Jamaicans about the different forms of disability discrimination, including both direct and indirect discrimination. These programmes aim to shift societal perceptions and foster a culture of respect and understanding. Social stigmatization and exclusion remain among the most persistent barriers faced by persons with disabilities in Jamaica. To combat these challenges, the JCPD has taken several measures focused on changing societal attitudes, increasing awareness, and ensuring inclusive policies across sectors. These measures include:

- **Community-Based Education Programmes:** In partnership with local communities, the JCPD conducts educational programmes designed to reduce stigma and promoting positive attitudes toward persons with disabilities. These programmes emphasize the value of inclusion, the importance of diversity, and the ability of persons with disabilities to contribute to society. Commencing in 2023, the Ministry of Justice has hosted island wide legal aid fairs with a focus on persons with disabilities. In partnership with stakeholders who work with persons with disabilities to increase access to justice services, raise awareness about justice services available and to increase knowledge about their rights as Jamaicans.

⁶ <https://jis.gov.jm/no-excuse-for-abuse-community-chats/>.

- **Inclusive Education:** The JCPD actively advocates for the integration of students with disabilities into mainstream education. This involves the establishment of Special Education Units within mainstream schools and the provision of support services and accommodations⁷. This effort aims to reduce the segregation, ensure access to quality education and promote interactions between children with and without disabilities from an early age- thereby helping to break down social barriers and misconceptions.
- **Employment Initiatives:** The JCPD collaborates with both private and public sector partners to expand employment opportunities for persons with disabilities. Through the promotion of inclusive hiring practices and employer support programmes, these initiatives seek to address the economic and social exclusion experienced by this community. One such collaboration is with the Human Employment and Resource Training /National Service Training Agency (HEART/NSTA) Trust for the provision of vocational training and job-placement services.
- For complaints of discrimination regarding persons living with disabilities, such complaints would be received by the JCPD and the JCPD would investigate such cases and if there is no resolution or redress then the JCPD may refer cases to the Disabilities Tribunal to determine whether rights have been violated.

(c) *Hate Speech – Religious/Ethnic Communities*

30. There is no reported case of hate speech and discrimination or stigmatization on the basis of religious or ethnic belonging.

(d) *People living with HIV (PLHIV)*

31. The former National Family Planning Board carried out a public education campaign which involved placing campaign materials on billboards to reduce Stigma and Discrimination (S&D) in several parishes across the island. Three (3) billboards were placed in parishes with high incidences of S&D. The messages on the billboards included: “A Mother with HIV is... a Mother”. The billboard messaging was installed during or about the period 2020/2021. Further to the billboard placements, bus wraps and extensive mass media outreach was conducted to amplify the messages. Both radio and television were also used to broadcast the campaign’s messaging.

32. Jamaica Aids Support for Life (JASL) has also provided Human Rights Training for Police Officers and Justices of the Peace to enhance the capacity of the public officers to serve PLHIV and other groups, submitting reports or seeking redress in a respectful and stigma-free manner.

Reply to paragraph 6

33. The Ministry of Health and Wellness (MOHW) acknowledges the need to address systematic discrimination linked to health status. Ongoing consultations with stakeholders, including civil society organizations and legal experts, are integral to identifying legislative gaps and ensuring that the proposed amendments are aligned with international human rights standards. This initiative is particularly critical for marginalized groups, such as individuals living with HIV/AIDS, and women and girls who are survivors of sexual violence.

34. Jamaica has adopted a multi-sectoral approach to improving health outcomes for PLHIV and ensuring the success of broader prevention and treatment initiatives.

⁷ [Policies and Programmes Being Advanced to Empower Persons with Disabilities – Jamaica Information Service.](#)

35. The National Workplace Policy 2008, on HIV/AIDS has also been implemented to guide employers and government agencies in treating with PLHIV. MLSS leads the implementation of this policy to combat stigma and discrimination against PLHIV in workplaces. The policy supports inclusive workplace cultures by encouraging equal opportunities, confidentiality, and access to healthcare services. The collaboration between the MLSS and other ministries ensures that the policy is effectively operationalized at the national level.

36. The State Party's National HIV-related Discrimination Reporting and Redress System is now Jamaica Anti-discrimination System for HIV (JADS). Complaints regarding discrimination on the basis of having a positive HIV status are brought into the JADS system through the Jamaica Network of Seropositives (JN+). Complaints are taken by JN+ Officers at its Head Office located in St. Andrew or one of its Regional Offices located throughout the island. Complainants may also complete forms provided at healthcare facilities and submit them to the JADS head office or regional offices. The officers then conduct investigations or refer the matter for further investigation to other bodies who are empowered to investigate the claim, if necessary (such as a regulatory/dispute resolution body in an industry). The entities against whom complaints are made are required to provide redress where a violation is found. Mediation or legal action are utilised for resolving complaints. The Industrial Disputes Tribunal (pursuant to the Labour Relations and Industrial Disputes Act) may also hear matters pertaining to discrimination in employment and labour matters. The MOHW collaborates with health and legal entities in seeking redress under the JADS system as well as it conducts public awareness campaigns and aligns its policies with the work of the JADS system.

37. The GoJ funds approximately 80% of the National HIV/STI Programme, which is integrated into the general health services delivery. Additionally, key donors such as the Global Fund and PEPFAR (President's Emergency Plan for AIDS Relief) have provided critical resources to support outreach, education and targeted interventions for high-risk populations. Antiretroviral Therapy (ART) coverage in Jamaica has also seen a significant increase, rising from 67% to over 80% in recent years. This progress has been facilitated by improvements in the supply chain, ensuring a consistent availability of medications without interruptions. In addition, HIV testing has been expanded through innovative community-based initiatives, including the mobile units and workplace wellness programmes, which bring services directly to populations in need. These approaches reduce the stigma often associated with accessing testing services at traditional healthcare facilities. Collectively, these efforts highlight Jamaica's unwavering commitment to achieving UNAIDS' 95-95-95 targets for HIV care and management by 2030, ensuring that prevention, treatment and support services are accessible to all.

Gender equality

Reply to paragraph 7

38. Since 2015, there have been positive developments in relation to women's increased representation and participation in decision-making positions in public life. Women have held and continue to hold key positions within the GoJ. 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) - an increase from holding 12.7% of seats in 2015 and 38% of the 21 seats in the Senate (Upper House). The March 2025 data from the Houses of Parliament indicates that during the current Parliament (2020-present) female representation on Joint Select Committees (JSC) of Parliament is 40.49% (representing 66 out of 163 total JSC members).

39. In June 2024, Jamaica appointed its first female President of the Court of Appeal, marking a significant milestone in the country's judicial history. Currently, women hold leadership roles in several non-traditional sectors and occupy some of the highest decision-making positions across government and public institutions. These include Ministers of Legal and Constitutional Affairs, Finance and the Public Service, Foreign Affairs and Foreign Trade, Culture, Gender, Entertainment and Sport; Education, Skills,

Youth and Information, Public Defender, Commissioner of Customs, Managing Director of the Human Employment and Resource Training/National Service Training Agency (HEART NSTA) Trust, Director of Public Prosecutions, Chief Personnel Officer - Office of the Services Commission, Chief Parliamentary Counsel, Legal Reform Director, Solicitor General, Information Commissioner, Director General of Statistical Institute of Jamaica and Chief of Defence Staff – Jamaica Defence Force.

40. The National Policy for Gender Equality, 2011 (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 GoJ's Policy Guidelines for the Nomination, Selection and Appointment of the Boards of Public Bodies, published by the Ministry of Finance in 2018. Subsequently, the Public Bodies Management and Accountability (Nomination, Selection and Appointment to Boards) Regulations, 2021 provides that a board of a public body shall be comprised of a minimum of thirty percent of members of the female gender.

41. In August 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 indicated that women have made significant gains in decision-making and leadership positions. Permanent Secretaries are the highest public sector officers in Jamaica and as of 2025, the GoJ has eighteen (18) Permanent Secretaries. Twelve (12) Permanent Secretaries are females and six (6) are males.

Maternity and Paternity Leave

42. The GoJ continues to enforce legislation regarding equal treatment of men and women who are employed to the public sector, such as the Employment (Equal Pay for Men and Women) Act and the Maternity Leave Act. The Employment (Equal Pay for Men and Women) Act was enacted in 1975. It establishes that men and women should receive equal payment in the course of their employment for carrying out similar duties, responsibilities, and services in the same workplace and position. The Ministry of Labour and Social Studies is actively reviewing potential amendments to the Act.

43. Where Maternity Leave is concerned, as of January 1, 2023, the period of Maternity Leave granted to public sector workers increased from forty (40) working days to sixty (60) working days with pay. Furthermore, male public sector workers, who have been employed for a period of twelve (12) consecutive months (regardless of employment type) are now entitled to paid Paternity Leave for a period of twenty (20) working days. Aside from being granted Paternity Leave due to the birth of biological children or children who have been registered in the father's name, Paternity Leave may also be granted in the event of stillbirth or if a baby dies within six (6) months after delivery. To coincide with the implementation of Paternity Leave, the GoJ also implemented Adoption Leave for public sector workers for a period of twenty (20) working days.

Jamaica's First Women's Parliamentary Bicameral Caucus

44. On December 13, 2022, the House of Representatives approved a motion for the establishment of a caucus of women parliamentarians from both chambers and all parties. The motion calls for the amendment of the Standing Orders of the House of Representatives which will allow the caucus to be established as a Sessional Select Committee to sit jointly with a similar committee of the Senate.

45. This caucus creates a sustainable medium where women parliamentarians can unite to strengthen solidarity and women's representation and leadership in politics, as well as among the general public. Additionally, the caucus can be used to provide essential information and training for women parliamentarians and to mainstream gender in parliamentary institutions and procedures.

46. The Women's Parliamentary Caucus also serves to strengthen Parliament's engagement with civil society networks. The establishment of the Women's Parliamentary Caucus aligns with the tenets of the NPGE, the National Strategic Action Plan to Eliminate

Gender-based Violence in Jamaica (NSAP-GBV) 2017-2027 and Vision 2030 Jamaica: National Development Plan. It also aligns with the tenets of the Spotlight Initiative Country Programme.

Young Women in Leadership (YWiL) initiative

47. On Tuesday, February 21, 2023, an all-female sitting of Parliament under the Young Women in Leadership (YWiL) initiative took place. YWiL is a programme helmed by the UN Women, an entity responsible for gender equality and the empowerment of women. To align with that year's International Women's Day (IWD) theme ("DigitALL: Innovation and technology for gender equality"), the young female leaders, representing sixty-three (63) constituencies across the island, had robust discussions around developing educational programmes to increase women and girls' access to digital innovations and information technology; the development and implementation of policies, plans, projects or programmes geared towards reducing the digital gender divide.

Gender Mainstreaming

48. The GoJ has made a commitment to the principle of gender equality as part of the initiative to address unequal arrangements and a long-term systematic discrimination that has worked against women and men in the Jamaican society. Through gender mainstreaming, the GoJ ensures that women's and men's concern and experiences form an integral aspect of policies and programmes to guide developmental frameworks. It is largely achieved through comprehensive examination of the relationship between men and women, and through continuous revisions and amendments of existing gender policies such as the NPGE, programmes, institutions and systems to meet international regulations.

49. Ministry of Culture, Gender, Entertainment and Sport (MCGES) through the Bureau of Gender Affairs (BGA), continues the phased implementation of the gender mainstreaming mandate through ongoing training of members of the Gender Focal Point Network (GFPN) to spearhead the development and implementation of approved gender mainstreaming action plans within their respective MDAs and other entities.

Implementation of the National Policy for Gender Equality (NPGE)

50. The NPGE was initially published 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. Notably, since 2011, Jamaica has realised improvements in social development and gender indicators, either as a direct result of actions guided by the NPGE and implemented by the BGA such as awareness-raising and gender-responsive training/capacity strengthening campaigns, or other initiatives facilitated through strategic partnerships such as Pillar 4 of the United Nations' (UN) Spotlight Initiative. Other contributing factors have been indirectly reflecting the wider national, regional and international focus on gender equality to which the policy contributes.

51. Key achievements linked to the implementation of the NPGE include:

- The renaming of the Bureau of Women's Affairs (BWA) to the Bureau of Gender Affairs (BGA) on March 21, 2016, to reflect the machinery's focus on a more inclusive approach to combatting gender discrimination and gender-based violence.
- The development and implementation of the NSAP-GBV 2017–2027.
- The establishment of over one-hundred and fifty (150) Gender Focal Points (GFPs) across twenty-seven (27) MDAs which has created an institutional framework for ensuring that gender is mainstreamed in all government policies, programmes, plans and projects of the government.
- The establishment of the Gender Advisory Council (GAC) in January 2018, as a multi-sectoral body charged with providing support to the implementation, monitoring and evaluation of both the NPGE and the NSAP-GBV.
- The launch of the Gender Ambassadors Programme (GAP) in 2019. The GAP targets students from secondary and tertiary level institutions, to facilitate awareness-raising

and activism on gender equality and the elimination of school-related gender-based violence (SRGBV).

- The opening of the first National Shelter for victims of GBV in 2020 to provide a confidential and safe space for female victims of GBV. The opening of the second shelter in 2021 and the purchase and renovation of another property which will become the third shelter.
- The Sexual Harassment (Protection and Prevention) Act, 2021, was passed by the House of Representatives and the Senate, as well as received the Governor General's assent in 2021. The Act took effect on Monday, July 3, 2023.

52. Although much has been achieved since the 2011 policy, a number of manifestations of gender inequality remain. Therefore, the policy has been reviewed and revised to provide the scope to continue aspects of gender mainstreaming, with a focus on a smaller number of target areas identified by stakeholders, as persistent barriers to gender equality, including:

- Strategies to reduce marginalisation and improve gendered attitudes and practices of the most marginalised men and women;
- Men and masculinities;
- Women and decision-making;
- Gender and climate change; and
- Gender and disability.

53. Prioritizing these specific areas through a results-based approach will enable a sharp focus on actions to achieve the policy vision and will maximize the effective use of available resources.

54. Importantly, the revised NPGE (2021) also includes a Costed Strategic Action Plan to ensure that the policy goes beyond a statement of principles, to becoming an actionable and accountable framework for change over a ten-year period (2021-2031). In this regard, this comprehensive costing framework entails considerations relevant to adequate resource allocation, as well as clear identification of roles and responsibilities among partners.

55. The process for reviewing and revising the NPGE took into consideration different factors to strengthen the gender mainstreaming programme's effectiveness. As such, the implementation of the revised NPGE prioritizes a streamlined focus, sustained funding, identification of accountability mechanisms, and strong relationships with key stakeholders.

Violence against women and domestic violence

Reply to paragraph 8

56. The GOJ, through the JCF, has reaffirmed its commitment to addressing all forms of violence against women and girls, including domestic violence, through proactive measures, community engagement, and enhanced support systems. Recognizing the pervasive nature of domestic violence, the JCF has implemented innovative strategies to reduce incidents, provide support to victims, and intervene before conflicts escalate.

57. The JCF has prioritized addressing domestic violence through the establishment and expansion of the Domestic Violence Intervention (DVI) Centres, now operating in ten (10) locations across the island. These centres offer victims a safe space for reporting incidents, professional counseling, agency referrals, follow-ups, and case updates, supported by trained volunteer counselors and chaplains.

58. By encouraging public reporting of domestic violence- including those not directly affecting them- the JCF aims to empower communities to intervene on behalf of victims. Since 2020, over 300 supervisors and managers of the JCF have received specialized training in this area, and all recruits are now required to complete mandatory domestic violence modules. A national coordination unit within the Community Safety and Security Branch enhances data collection, partnerships, and procedural reforms.

59. In 2023, the centres processed 6,000 of the 8,500 reported cases, reflecting increased public trust in the system. By combining enforcement with community engagement and early intervention strategies, the JCF seeks to foster a safer environment, especially for women and girls, ensuring victims receive the support and justice they deserve.

60. As part of public awareness efforts, various entities in Jamaica were encouraged to participate in activities during the ‘16 Days of Action Against Domestic Violence’ celebrated from November 25, 2024, to December 10, 2024, to promote positive masculinity and increase awareness as to the dangers of domestic violence.

61. Although there have been no recent amendments to the Sexual Offences Act, the Sexual Harassment (Protection and Prevention) Act, has been enacted to address workplace- and institution-related sexual harassment. The Act officially came into effect on July 3, 2023. It establishes a legal framework for addressing sexual harassment across a wide range of settings, including educational institutions, correctional facilities, places of safety, nursing homes, medical institutions, and both public and private sector workplaces. The objectives of the Act are to:

- Provide protection to all persons who experience sexual harassment;
- Ensure that environments for work, school and accommodations are free from sexual harassment;
- Highlight the offensive nature of sexual harassment; and
- Establish the liability of the offending party and, where necessary, outline the liability of the accommodating party.

62. Following a comprehensive recruitment and selection process, the Sexual Harassment Investigation Unit became fully staffed in August 2023 with four officers: one Senior Sexual Harassment Investigative Officer and three Investigative Officers.

63. In compliance with the Sexual Harassment (Protection and Prevention) Act 2021, the Sexual Harassment Tribunal, which will serve as an appropriate dispute-resolution mechanism for investigating sexual harassment allegations and administering penalties to offenders, has been established and fourteen (14) members were selected in June 2024, following the completion of a Fit and Proper exercise facilitated by the Ministry of National Security. The appointment of the members of the Tribunal was approved by Cabinet on February 17, 2025.

64. The MCGES, through the JCF conducted a Customised Investigative Level 1 (Sexual Harassment Training Course) under the theme “Assisting the MCGES in achieving its Mandate using Training, Science, Technology and an Investigative Mindset” for 18 staff members of the BGA, which included members of the Sexual Harassment Investigation Unit. The Sexual Harassment Training Course started on March 25, 2024, and culminated on April 2, 2024. The Graduation Ceremony was hosted at the National Police College of Jamaica (NPCJ), Twickenham Park, St. Catherine on April 17, 2024.

65. A two-day sexual harassment training session was held on March 18 and 19, 2024 in partnership with the Ministry of Finance and the Public Service (MFPS). Human Resource professionals were trained from various MDAs. The objective of this training was to increase awareness of the Sexual Harassment (Protection and Prevention) Act, 2021 addressing the responsibilities of HR Professionals, identifying the rights associated with sexual harassment and identifying the need for counselling intervention and providing the requisite psychosocial support to staff members.

66. The BGA also partnered with the Department of Criminal Investigation Training, Jamaica Constabulary Force at the National Police College of Jamaica to host additional sexual harassment investigative training sessions for human resource professionals. The training for the first cohort was held on August 26-27, 2024, in St. Catherine. The training for the second cohort was held in Trelawny on October 3-4, 2024. The sessions were geared towards enhancing the knowledge of the professionals of the investigative process when dealing with cases of sexual harassment in the workplace. Overall, seventy-five (75) participants were engaged.

67. Six (6) organizations were awarded for their compliance with the Act, as demonstrated through completion of their sensitization sessions with staff members, as well as the development and implementation of sexual harassment workplace policies.

Data from the Sexual Harassment Investigative Unit

- (a) Public education sensitization sessions conducted between January-December 2024: 186.
- (b) Total participants: 7,654 (4,339 females; 3,315 males).
- (c) Total number of organizations reached: 71.
- (d) Public organizations: 28.
- (e) Private organizations: 31.
- (f) Educational institutions: 6.
- (g) Community-based organisations: 2.
- (h) Faith-based organizations: 4.
- (i) Sexual harassment workplace policies reviewed by the BGA as of December 2024: 79.
- (j) Public organizations/MDAs compliant: 46.
- (k) Private organizations compliant: 20.
- (l) Educational institutions compliant: 12.
- (m) Faith based organizations compliant: 1.

Domestic Violence (Amendment) Act, 2023

68. The Domestic Violence (Amendment) Act, 2023 was passed in the House of Representatives on Tuesday, December 19, 2023, and by the Senate on Thursday, December 21, 2023. Importantly, the passed amendments to this legislation provide for the increased protection of victims/survivors of domestic violence and improved legal recourse relative to previous version of the legislation.

69. Section 3: Expansion of the category of persons allowed to apply for protection orders on behalf of the victim:

- (a) Inclusion of the Children’s Advocate as one of the persons who can apply for protection orders on behalf of child victims (3(2)(b)).
- (b) Granting any person, whether or not they are a member of the household, the leave of the Court to apply for a protection order on behalf of any abused person.
- (c) Giving the Minister residual power to include entities such as the Bureau of Gender Affairs and the Women’s Resource Outreach Centre as entities who could seek protection orders on behalf of applicants.

70. Section 4(1): Expansion of the conduct or behaviors that the Court may prohibit the respondent from engaging in:

- (a) Prohibiting the respondent from causing or encouraging another person to engage in any prohibited behaviour towards the applicant;
- (b) Directing the respondent to relinquish to the police any firearm licence, firearm, or other weapon which the respondent may have in their possession or control, and which may or may not have been used.

71. Section 4(2): Widening of the threshold to be met in obtaining protection orders.

72. 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.

73. A new Joint Select Committee of Parliament (JSC) was also named to consider further amendments to the Domestic Violence Act.

74. The National Strategy for Shelters and Other Safe Spaces for Survivors of GBV in Jamaica, 2023 and the Comprehensive Guidelines for the Operationalization of Gender-based Violence Helplines in Jamaica, 2023.

75. The National Strategy for Shelters and other safe spaces for Survivors of GBV in Jamaica along with the accompanying Comprehensive Guidelines for the Operationalization of GBV Helplines in Jamaica were developed for providers of safe spaces for survivors of GBV and operators of helplines to ensure that all internal operations and systems are in alignment with national policies, Jamaica's legal framework and international quality standards for GBV services. These documents emphasize prioritising the survivor-centred approach for both public and private entities and encourage the development of protocols and guidelines for their day-to-day management.

The National Shelter Unit

76. The National Shelter Unit is responsible for oversight of the state-run shelters for victims of GBV. The establishment of the shelters is in keeping with the NSAP-GBV. These shelters aim to provide a safe haven and psycho-social support to women and their children who are victims of GBV. To date, two (2) out of three (3) shelters are operational. The renovations for the third shelter are underway and due for completion during the 2025/2026 financial year.

The Gender-based Violence Unit

77. The GBV Helpline Unit was officially established in September 2023, to support victims, survivors, and witnesses of gender-based violence. The Unit is staffed with one (1) Director and five (5) Gender-based Violence Helpline Specialists as of January 2025. The Unit offers support services to the victims and survivors of GBV at the community and national level by providing psychosocial support; gender-based violence related information; counselling; assessing victims/survivors' needs and allowing space for safety planning. The GBV Helpline Unit is also one of the entry/referral points to the National Shelter Programme.

The Continuum of Care (2022)

78. The NSAP-GBV is being implemented using the "Continuum of Care" for Coordinated Delivery of Services to Survivors of Gender-based Violence. This "Continuum of Care" is built on the premise that GBV is best eliminated through strategic partnerships and collaboration to synchronize activities at the national, regional and local levels with government agencies, academia, the private sector, Civil Society Organisations (CSOs), International Development Partners (IDPs) and other relevant groups. The "Continuum of Care" uses the survivor centred approach to ensure that survivors have access to appropriate and good quality services including health care; psychological and social support; security; legal services. Through the Continuum of Care, the BGA employs a multisectoral response model which includes holistic, inter-organizational, inter-agency, interdisciplinary efforts that promote participation and collaboration across key sectors that respond to GBV, including life-saving services to ensure seamless provision of services by all MDAs to survivors of GBV.

Voluntary termination of pregnancy and sexual and reproductive rights

Reply to paragraph 9

79. There has been no recent amendment to legislation in relation to maternal mortality and abortion however, Jamaica is currently drafting a National Sexual and Reproductive Health Policy, which will seek to address the policy position on these areas; the document has been drafted and is being reviewed.

80. Jamaica remains committed to increasing the availability and accessibility of Contraception, Including Emergency Contraception. The Enabling Environment in Health

and Client Services Division (EEHCS) (formerly National Family Planning Board) offers free and extensive access to contraceptives, ensuring these essential services were widely available to the public. These services included:

- Availability of hormonal and non-hormonal contraceptives, including Long-Acting Reversible Contraceptives (LARC) and Short-Term Reversible Contraceptives (STRC).
- Distribution of emergency contraceptives in emergency settings, such as cases of sexual assault.
- Training for healthcare providers to enhance their capacity in contraceptive administration and client education.
- Public education campaigns, like “Live Life before You Give Life,” promote informed family planning decisions.

81. As part of the public sector rationalization programme, the EEHCS has been integrated into the MOHW. With this transition, the provision and distribution of contraceptives now fall under the Ministry’s Family Health Unit, ensuring continued accessibility and free availability within the public health system.

82. The MOHW is undertaking a robust programme of upgrades and renovations to health centres and hospitals to enhance healthcare delivery under the Primary Healthcare Reform for Jamaica (2021-2030). These efforts are part of a strategic initiative to provide equitable and improved access to healthcare services across the country, which includes rural communities.

83. Key Upgrades and Renovations (Planned and Ongoing):

Hospitals: Projected completion date for the renovations and upgrades of the following hospitals is Financial Year 28/29

(a) Spanish Town Hospital: This facility is undergoing a major redevelopment, including the construction of a new six-story building to expand its capacity and services. The project is currently in progress.

(b) St. Ann’s Bay Hospital: Targeted for significant upgrades to enhance service delivery.

(c) May Pen Hospital: Set to receive substantial improvements to better serve the community.

(d) Additionally, Cornwall Regional Hospital is undergoing a multi-phase rehabilitation to transform it into a state-of-the-art health campus, with phase three targeted for completion in April 2026.

Health Centres

84. St. Jago Park Comprehensive Health Centre: The expansion began in December 2024 and is scheduled for completion by February 2026.

85. Old Harbour Health Centre: Construction of a new comprehensive health centre began in late 2024, with completion expected by early 2026.

86. Greater Portmore Health Centre, St. Ann’s Bay Health Centre, Brown’s Town Health Centre, Ocho Rios Health Centre, May Pen East and West Health Centres, Mocho Health Centre, and Chapleton Community Hospital: These facilities are set to undergo upgrades and renovations over the next three to five years to enhance healthcare services.

87. The upgrades and renovations of several of these projects are funded through a combination of grants from the European Union (EU) and loans from the Inter-American Development Bank (IDB), reflecting the government’s commitment to strengthening healthcare infrastructure and ensuring that rural communities have access to quality healthcare services.

State of emergency

Reply to paragraph 10

88. To safeguard proportionality and the rule of law, Jamaica deploys a multi-layered oversight framework whenever a State of Public Emergency (SOE) is declared. Any detainee may invoke the Supreme Court's constitutional jurisdiction for habeas corpus, judicial review, or a declaration of rights, a pathway affirmed in *Roshaine Clarke v Attorney-General* [2022] JMFC Full 3. Each set of Emergency Powers Regulations constitutes an Emergency Powers Review Tribunal, composed of senior attorneys including a Supreme Court or Court of Appeal judge, which must examine every detention order within seven days and may recommend release if unjustified. Security-force commanders are required to file periodic reports on SOE operations, enabling continuous scrutiny of compliance with human-rights standards. The emergency measures are strictly limited in duration, geographic reach, and material scope: a proclamation lapses after seven days unless approved by both Houses of Parliament, with extensions beyond 14 days requiring a two-thirds majority and further review; declarations are confined to specific parishes or police divisions experiencing acute violence; and measures focus narrowly on enhanced policing powers such as curfews, cordons-and-search, and preventive detention of persons reasonably suspected of fuelling violence. Through this architecture of parliamentary control, independent tribunal review, and ready access to the courts, Jamaica ensures that emergency powers remain exceptional, time-bound, and fully accountable to constitutional and international human-rights norms.

Right to life

Reply to paragraph 11

89. Jamaica's laws are generally aligned with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which emphasize necessity, proportionality, and accountability. The UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement underscores the importance of strict guidelines for the deployment of such weapons, which Jamaica has been integrating through training programmes and updated policies. The JCF Human Rights, Use of Force and Firearm Policy incorporates the guidelines established in international law on the use of force by law enforcement. The policy adheres to the principles outlined in the United Nations Code of Conduct for Law Enforcement.

90. To ensure the effective and independent investigation of law enforcement personnel, Jamaica has undertaken several measures to clarify the mandate and role of the INDECOM. Established under the Independent Commission of Investigations Act, INDECOM's statutory mandate was reinforced through legislative amendments and judicial rulings that confirmed its authority to investigate allegations of misconduct by members of the security forces and other agents of the State. The Jamaican courts have upheld INDECOM's investigative powers affirming its independence from both the police and the Executive.

91. It is observed that 39% of all prosecutions relate to murder or manslaughter charges, whilst a further 49% of charges relate to assault or unlawful wounding. Graph 2 below shows the 'primary offence category' for the 168 cases brought before the courts. NB: Acquittal refers to a case where all officers are found not guilty by either a Judge or Jury, no case submission is upheld or no evidence is offered.

92. Allegations of extrajudicial killings and arbitrary deprivation of life are subject to independent investigation by the INDECOM, which is mandated by law to investigate all actions by members of the security forces and other State agents that result in death or injury. INDECOM operates independently of the police and military. Investigations into alleged incidents of excessive force remain active, and several members of the security forces have been charged and brought before the courts in connection with fatal shootings and other use-of-force incidents.

Reply to paragraph 12

93. The Government has acted on the 2016 West Kingston Commission of Enquiry's recommendations – namely, victim compensation, accountability for unlawful use of force, and the dismantling of garrison communities – by establishing a JMD \$200 million fund administered with the Office of the Public Defender's assistance. To date, JMD \$134 million has been paid to the estates of those killed during the May 2010 operation: JMD \$102.4 million to 14 men (JMD \$6.1–13.7 million each) whose right to life was found violated, and JMD \$9.4 million to two men who may have been injured by the use of mortars. Although no formal findings of State liability were made for the deaths of 13 men during the incursion, the West Kingston Incursion Commission Compensation Committee nonetheless recommended ex gratia awards, resulting in JMD \$22.8 million (JMD) in payments.

Reply to paragraph 13

94. There is no one currently on death row in Jamaica. The GoJ is not considering within this current reporting period to accede to the Second Optional Protocol to the Covenant. As noted previously in the third periodic report, the categories of offences that could attract the death penalty has been limited to murders committed in specified circumstances and are defined as capital murder. All murders defined as non-capital attract a lesser penalty. The GoJ acknowledges the ongoing international dialogue on the abolition of the death penalty and remains committed to safeguarding the fundamental rights of all individuals, including those sentenced to capital punishment. While Jamaica retains the death penalty as a lawful punishment, no executions have been carried out since 1988, reflecting a de facto moratorium. Further, the Sentencing Guidelines for judges indicate that the death penalty may be imposed (i) in the most extreme and exceptional cases “the worst of the worst” or the “rarest of the rare” (ii) where there is no reasonable prospect of rehabilitation of the offender and (iii) where the objectives of punishment cannot be achieved by any other means than the imposition of the death penalty. Jamaica remains a Member State of the Organisation of American States and has adopted ‘The American Convention on Human Rights, 1969’ which prohibits the introduction of new offences warranting the death penalty. The application of the death penalty as a sentence has not been extended to any new legislation or offences in Jamaica.

Reply to paragraph 14

95. The GoJ continues to implement a robust legal and policy framework to address the escalating rates of violent crime, particularly homicides, gang-related activity, and emerging trends in vigilante violence. These efforts are grounded in a rights-based approach that prioritizes the protection of life, public safety, and the rule of law.

96. Key legal instruments include the Criminal Justice (Suppression of Criminal Organizations) Act, 2014 (commonly referred to as the Anti-Gang Act), which provides a comprehensive regime for the identification, investigation, and prosecution of gang-related offences. This Act has been amended, by which, the trial process has been improved, certain maximum limit for fines have been increased, the range of offences have been expanded such as to include ‘tipping off’ in respect of an investigation and the crime of permitting the usage of property to commit offences under the Act. The Zones of Special Operations (Special Security and Community Development Measures) Act, 2017 enables the declaration of specific high-crime areas as Zones of Special Operations (ZOSOs), where enhanced security measures are paired with sustained community-building interventions and social services. These zones are subject to parliamentary oversight and judicial review to ensure proportionality and legality. Additional legislative tools include the Firearms (Prohibition, Restriction and Regulation) Act, 2022, aimed at reducing gun violence by tightening penalties for firearm trafficking and possession, and the Bail Act, 2023, which enhances pretrial risk assessments, particularly for violent and repeat offenders.

97. The ZOSO Act provides for the wearing of body-worn cameras by members of the security forces as far as is possible. Weapons that are assigned to the members of the security forces must be registered with the Institute of Forensic Science and Legal Medicine. As it relates to the declaration of a state of public emergency, there are specific criteria that must be met, and these criteria are provided for in the Constitution of Jamaica.

98. The Constitution also mandates that during the period of a state of public emergency a Tribunal must be established. The Regulations that are made by the Governor-General under the Emergency Powers Act require that persons who are detained are to be taken before the Tribunal for a determination as to whether these persons should remain in detention or should be released. All fundamental human rights that are guaranteed under the Constitution of Jamaica are not suspended during a state of public emergency.

99. In 2023, Jamaica recorded a total of 1,393 homicides, a 7% reduction compared to the previous year. Approximately 70% of these homicides were linked to gang-related activity. Official disaggregated statistics on vigilante violence are not separately maintained.

100. Jamaica's Anti-Gang Act of 2014 (amended in 2021) has been instrumental in prosecuting and sanctioning members of criminal organizations, with convictions resulting in varying sentences for gang leadership, membership, and facilitation of serious crimes. Between 2017 and 2023, Jamaica experienced a fluctuation in gang activity, with active gang numbers and prosecutions varying each year. The number of active gangs recorded was highest in 2019 at 389, and gang members charged peaked in 2018 with 214 cases. However, in 2023, active gangs declined to 244, with 54 gang members charged. The table below represents the data represented above.

<i>Year</i>	<i>No. of active gangs</i>	<i>No. of gang members charged</i>
2017	354	181
2018	381	214
2019	389	200
2020	-	2
2021	269	87
2022	277	81
2023	244	54

101. The table represents data on the number of active gangs and the number of gang members charged in Jamaica from 2017 to 2023.

- Major Gang Convictions and Sanctions:
 - Clansman Gang, 2017: Conviction for “Being Part of a Criminal Organization” resulting in a 10-year sentence. One Order Gang, 2017: Conviction for “Participating in a Criminal Organization” with a 9-year sentence.
 - Uchence Wilson Gang, 2020: Nine (9) members convicted on multiple Anti-Gang Act offences. Sentences ranged from 4 to 16 years, including sentences for aggravated counts running concurrently.
 - One Don Faction of the Clansman Gang, 2023: Fifteen members were convicted on various counts under the Anti-Gang Act, including leadership and facilitating serious offences.
- Sentences included:
 - For the offence of Leadership of a Criminal Organization: 21 years and 6 months.
 - Facilitating Serious Offences: Sentences ranging from 4 to 11 years, some running consecutively, depending on count and individual involvement.
 - Investigative and prosecutorial efforts continue to be supported by specialized units such as the Major Organized Crime and Anti-Corruption Agency (MOCA) and the JCF's Counter-Terrorism and Organized Crime Investigation Branch (C-TOC). The Government has taken steps to ensure that victims of violence have access to remedies, including psycho-social support, through the Victim Services branch in the Ministry of Justice and access to legal aid.

Prohibition of torture and cruel, inhumane or degrading treatment or punishment

Reply to paragraph 15

102. The State Party refers to laws enacted and/or amended which address torture, as follows:

(a) Section 13(3)(o) of the Charter of Fundamental Rights and Freedoms - affords every citizen the right to protection from torture, or inhuman or degrading punishment.

(b) The Law Reform (Flogging and Whipping) (Abolition) Act, 2013 - enacted in March 2013. In section 2, the Act abolishes flogging and whipping as a penalty for any offence and also provides that every reference to flogging or whipping as a penalty for an offence, appearing in any enactment, is declared to be of no effect. In Sections 3 and 4 respectively, the Act expressly repeals the Crime Prevention Act and the Flogging Regulation Act.

(c) The Obeah (Amendment) Act, 2013, - abolishes whipping as a penalty for any offence under the Act.

103. The statutory mandate and work of the OCA in protecting children (including from corporal punishment). Further, corporal punishment has been abolished in all children's homes, early childhood institutions and correctional facilities (Section 62 – CCPA).

104. In addition to such enactment, law enforcement has taken practical measures and law enforcement training to prevent ill-treatment:

- The JDF has implemented comprehensive measures to address claims of torture or ill-treatment by state officials, emphasizing adherence to legal and ethical standards. Each JDF operation is governed by established Rules of Engagement (ROE), communicated before missions, to promote lawful conduct and safeguard human life. Key aspects include the restriction of firearms use to commands by an On-Scene Commander and as a last resort in self-defense or to protect life. The guidelines also mandate efforts to resolve situations non-lethally, with only aimed, minimal shots allowed when firearms are used. There are also disciplinary measures within the JDF which enforce these ROEs rigorously, with any breaches subject to internal trials, boards of inquiry, and potential sanctions, including dismissal. The JDF's use of force framework is deeply integrated into comprehensive education and training with strict prohibitions against ill-treatment and torture.
- The JCF also prioritizes human rights training to enhance professionalism, ethical conduct, and public trust among its officers. All JCF members receive extensive training on human rights, use of force, community policing, and public interaction, guided by policies that emphasize respect for human rights and prohibit torture and ill-treatment. This training begins at the National Police College of Jamaica and continues through ongoing professional development programmes, focusing on community policing to foster positive relationships between officers and the communities they serve. The JCF's human rights training covers several key areas: understanding human rights policing, child rights and protection, support for victims of sexual violence, inclusivity toward gender and sexual minorities, ethical use of force, and engagement with persons with disabilities. These initiatives underscore JCF's commitment to developing a modern police force anchored in human rights and accountability, ensuring that officers uphold the highest standards of conduct while safeguarding the rights and dignity of all individuals.

105. JCF officers' benefit from various specialized training programmes offered by both local and international partners, including the Government of the United States of America, Jamaicans for Justice, United Nations Development Programme, and others. These partnerships have significantly bolstered JCF's capacity to address critical human rights issues and cater to vulnerable populations. A notable initiative by Jamaicans for Justice involves multi-day training sessions conducted by national experts at the National Police College, covering topics such as legal literacy in human rights policing, gender sensitivity,

non-discrimination, and working with vulnerable groups such as children, persons with disabilities, and victims of sexual violence.

106. The JCF also has a critical division known as the Inspectorate and Professional Standards Oversight Bureau (IPROB) which is tasked with ensuring compliance with the Force's policies and maintaining high standards of professionalism. IPROB plays a pivotal role in preventing, investigating, and addressing acts of torture, as well as cruel, inhumane, or degrading treatment, through its oversight enforcement mechanisms. IPROB also works closely with INDECOM to achieve its mandate. This Bureau also conducts regular inspections across divisions to assess compliance with JCF policies and promotes professionalism and accountability at all levels. Where investigations reveal breaches of conduct, officers may face consequences through internal disciplinary mechanisms, such as courts of enquiry or orderly rooms, or may be brought before a court of law for legal prosecution. A tipline and email are provided to the public to make a complaint against misconduct including acts of torture.

107. To uphold the JCF's commitment to accountability, IPROB promotes ethical conduct and works to ensure public trust and confidence in the police force. The Bureau also conducts regular inspections across divisions to assess compliance with JCF policies and promotes professionalism and accountability at all levels.

108. In addition to its investigative duties, IPROB contributes to preventative measures by training public officials on anti-corruption practices and principles of good governance. By fostering awareness and adherence to ethical standard, IPROB seeks to reduce instances of misconduct and enhance the integrity of law enforcement operations.

Right to liberty and security of person and treatment of persons deprived of their liberty

Reply to paragraph 16

109. Table (1) below provides a breakout of the ideal capacity per institution and the population in custody as at the end of the calendar year ending December 31, (2017–2024):

Table 1

Institutions	Classification Type	Ideal-Established Capacity	2017	2018	2019	2020	2021	2022	2023	2024
			Adult Institutions							
Tower Street Adult Correctional Centre (T.S.A.C.C)	Male maximum-security institution	(850)	1 491	1 619	1 653	1 687	1 696	1 754	1 681	1 736
St Catherine District Adult Correctional Centre (ST.D.A.C.C)	Male maximum-security institution	(850)	833	779	860	888	902	967	989	905
South Camp Adult Correctional Centre (S.C.A.C.C)	Female maximum-security remand-and-reception institution	156	132	116	108	106	101	106	121	118
Tamarind Farm Adult Correctional Centre (T.F.A.C.C)	Male medium-security institution	350	181	235	221	121	134	161	130	117

Institutions	Classification Type	Ideal-Established Capacity	2017	2018	2019	2020	2021	2022	2023	2024
<i>Adult Institutions</i>										
Richmond Farm Adult Correctional Centre (R.F.A.C.C)	Male low-security institution	300	117	130	132	58	66	08	40	46
New Broughton Sunset Rehabilitation Correctional Centre (N.B.S.R.C.C)	Male low-security institution	50	30	28	23	19	20	13	10	08
Horizon Adult Remand Centre (HARC)	Male maximum-security remand-and-reception institution	1 036	876	791	762	645	637	651	576	575
<i>Juvenile Institutions</i>										
South Camp Juvenile Correctional and Remand Centre (S.C.J.C.R.C)	Female maximum-security remand-and-reception institution	164	37	37	54	58	38	57	56	67
Hill Top Juvenile Correctional Centre (H.T.J.C.C)	Male maximum-security institution	98	29	33	24	18	16	21	****	****
Rio Cobre Juvenile Correctional Centre (R.C.J.C.C)	Male medium-security institution	120	38	32	42	40	35	26	46	46
Metcalfe Street Secure Juvenile Correctional Centre (M.S.S.J.C.C)	Male maximum-security remand institution	208	96	84	85	75	76	73	71	74

- The established ideal capacity to house 850 inmates at the STCDACC was reduced by 186 due to the closure of sections of the facility facing structural challenges.

110. Of the ten (10) correctional facilities in operation, two institutions – the TSACC and STCDACC are operating above their ideal capacity. It is anticipated that with the establishment of a new male maximum-security facility in the future, the organization will be better able to address the challenges being experienced. As a priority, the organization continues to carry out essential repairs and maintenance across these two facilities, as well as the remaining eight centres.

111. In addressing the issue of overcrowding, the organization continues to implement population management strategies aimed at reclassifying eligible offenders at the two male maximum-security facilities, TSACC and STCDACC, for transfer to medium- and low-security institutions.

112. Efforts to improve the material conditions, including sanitation, food supply, and access to medical care, in all places of detention.

Material Conditions

113. In addressing material conditions, the DCS, over the period 2017–2023, has engaged the services of private contractors to undertake priority repairs, maintenance, and infrastructure improvements across its facilities. The R.F.A.C.C. and the R.C.J.C.C. are two of the facilities whose infrastructure has been improved.

114. The remaining facilities have benefited from the ongoing repairs and maintenance services that have been contracted.

Sanitation

115. The organization has its own garbage collection service operating from the DCS Transportation Centre. This independent service allows for structured garbage collection across the facilities. Officers have also been assigned to oversee teams (which includes inmates) whose effort maintain good hygiene at the facility.

116. Furthermore, the Correctional Institution (Adult Correctional Centre) Rules, 1991 Rule 54, mandates that the “Assistant Superintendent frequently inspect every part of the adult correctional centre and ensures that the cells and dormitories are kept clean and in good order and that the means of security are effective.”

Food Supply

117. The food security of inmates in custody has been maintained over the period 2017–2023. The DCS has engaged private suppliers of perishable and nonperishable food commodities while also supplementing these supplies through its internal Farm-to-Feed initiatives. This combined effort has enabled the organization to meet the food and nutritional needs of a diverse population. In addition, the DCS has employed a dietitian to standardize meal provision across institutions, ensuring that dietary requirements are met for the targeted population.

Medical Services

118. Over the period 2017–2023, the DCS has maintained robust medical services. All offenders are seen within forty-eight hours of admission to the medical facilities and they are medically reviewed prior to being released upon completing sentence of having been granted parole, or are transferred from a maximum-security facility to medium- or low-security facilities. Additionally, there is a structured schedule for doctors’ visits to the institutions. This has enabled offenders to have timely access to medical services as required. However, when necessary medical services cannot be provided internally, inmates are referred to public health facilities under the supervision of correctional officers.

119. The Corrections Act and its attendant legislation mandate Superintendents to ensure that the writ, warrant, and order that legally detain a remandee or an offender awaiting trial are upheld. Sections 18 and 19 of the Corrections Act articulate the fundamental procedural safeguards to ensure that detained individuals are handed over to the police. Additionally, under specific circumstances where an offender is serving a term of imprisonment and has other matters before the court, Superintendents must ensure that the offender(s) are escorted to court and returned as prescribed by the court.

Legal Services

120. The Correctional Institution (Adult Correctional Centre) Rules, 1991, Rule 165, subsections 1-3, mandate the provision of access to legal services. Furthermore, Superintendents provide legal representatives with the necessary safety and security measures within the remit of the institutions.

Statistical data on the number of pre-trial detainees and the actual application of alternative measures for the past eight (8) years:

121. The table below provides a breakdown of adult offenders by gender remanded in the custody of the DCS for the period 2017–2024 calendar years:

Years	2024		2023		2022		2021		2020		2019		2018		2017	
Category																
Pre-trial																
Detainees	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Number of Pre-trial Detainees	242	109	149	77	242	63	224	72	180	138	426	182	511	176	698	200

- The inquiry revealed no documentation regarding requests for alternative detainment measures by the remandee or their legal/medical representative. This information may be obtained from the court or the police.

122. On November 23, 2020, vide Cabinet Decision No. 52/20, Cabinet approved the development of a comprehensive Offender Management Policy, which, after consultation, is now to be called the National Correctional Services Policy. The strategic goals of the Policy are:

- Strengthened human resource management, development and welfare;
- Strengthened management of the correctional services for offender clients;
- Strengthened rehabilitation services offered to offender clients; and
- Strengthened mechanisms to support the successful reintegration of offender clients.

123. The Corrections Act of Jamaica outlines the treatment and categorization of inmates, specifically detailing how different groups should be housed separately. Section 30 of the Act mandates distinct provisions for male and female inmates, ensuring they are not housed in the same facility. It also requires the separation of civil and criminal inmates, young inmates from adults, and individuals awaiting trial or on remand from convicted prisoners. These provisions are designed to maintain order and uphold the rights of detainees within correctional facilities. Additionally, under the Bail Act (Section 5), a person who is arrested or detained after being charged should have the question of his Bail decided by a deciding official (a judge, Justice of the Peace, a constable above the rank of Superintendent).

124. The Legal Aid Council of Jamaica provides professional legal services while ensuring effective access to justice for all. It assists in providing such legal services for persons of small or moderate means in criminal matters, pursuant to the Legal Aid Act. As of 2025, approximately 895 Attorneys are enlisted, including almost 90 Senior Counsel and 4 King’s Counsel. This cadre of attorneys-at-law provides Duty Counsel services and accepts legal aid court assignments to accused persons who may not be able to afford Counsel.

125. The Bail Act which was amended in 2023 has introduced pre-trial detention and non-custodial measures. This Act allows for pre-charge bail, thereby, allowing law enforcement to release individuals on bail after an arrest but prior to formally laying charges. This amendment enhances to reduce unnecessary pre-trial detention while providing for due process for arrested persons.

126. The Correctional Institution (Adult Correctional Centre) Rules, 1991 (“Rules”) and the Correction Act contain provisions related to the conduct and discipline of correctional officers. These enactments constitute a disciplinary and monitoring regime and govern the administration of correctional institutions, as well as the treatment of inmates.

127. Prohibited Conduct of Officers: correctional officers are forbidden from engaging in certain activities which would compromise the security or integrity of the correctional institution. Prohibited conduct typically includes:

1. Abuse of Authority – Officers must not mistreat or unlawfully discipline inmates or use force beyond what is necessary for protection (Section 15 – Corrections Act).

2. Contraband Issues – Bringing in or facilitating the introduction of prohibited items (e.g., drugs, weapons, mobile phones) is strictly forbidden (Section 13 of Corrections Act)

3. Conflicts of Interest – Officers must not engage in personal or financial dealings with inmates or their families that could undermine their impartiality (Rule 101)

4. Breach of Confidentiality – Officers are required to protect sensitive institutional information from unauthorized disclosure.

128. There are also Disciplinary Actions against officers who violate the Act or its Rules or other disciplinary provisions. These include:

1. Internal Disciplinary Proceedings – Misconduct is investigated internally, and officers may face disciplinary hearings.

2. Penalties – These can range from warnings and suspensions to fines or dismissal, depending on the severity of the misconduct.

3. Legal Consequences – In cases involving criminal acts (e.g., corruption, assault, smuggling contraband), officers may be prosecuted under Jamaica’s criminal laws.

4. Appeal Process – Officers generally have the right to appeal disciplinary decisions through designated channels.

Elimination of slavery, servitude and trafficking in persons

Reply to paragraph 17

129. The National Task Force Against Trafficking in Persons (NATFATIP) established in 2005, leads the State Party’s efforts to coordinate, implement, monitor and evaluate the national response to Trafficking in Persons. The core emphases of the NATFATIP are the prevention and suppression of Trafficking in Persons, the prosecution of offenders, and the protection and provision of assistance to victims of trafficking. The Task Force is organized in three Sub-Committees namely; Protection, Prevention/Public Education and Prosecution which drive the Task Force through their implementation of its National Plan of Action 2018–2021 for combatting Trafficking in Persons.⁸

130. The GoJ’s Trafficking in Persons National Plan of Action (2018-2021) (extended), prioritizes public awareness and the capacity building of stakeholders through training initiatives, these include:

(a) Trafficking in Persons (TIP) module was introduced at the National Police College of Jamaica.

(b) Training programmes offered through the Caribbean Regional Drug Law Enforcement Training Centre (REDTRAC).

(c) Training to enhance investigative capacities of customs officers, immigration officers, defence force personnel, labour officers, health officials, judges, and prosecutors.

(d) Online training through the Justice Training Institute (JTI) equips public servants and non-governmental organizations personnel to identify and interact with child trafficking victims.

131. The Ministry of Justice, in 2022 through its Justice Training Institute, commenced offering a free online course for justice sector personnel to assist in identifying and interacting with child trafficking victims.

132. The Office of the National Rapporteur on Trafficking In Persons (ONRTIP) has provided an Anti-Human Trafficking Course is a web-based course that is available at

⁸ <https://www.mns.gov.jm/natfatip/about-natfatip/>.

www.onrtip.gov.jm and is free to access by anti-trafficking stakeholders as well as the general public. The following public awareness campaigns/activities were undertaken:

- (a) Sensitization sessions for vulnerable groups, including churches and community-based organizations.
- (b) Integration of a Trafficking in Persons curriculum into secondary schools.
- (c) Creative outreach through documentaries, songs, dub poetry, and an Anti-Trafficking Activity Workbook for children aged 6–12 years old.
- (d) Use of broadcast and print media, including pamphlets and brochures with anti-trafficking messages.
- (e) Observation of TIP Week, which aligns with the annual UN’s World Day Against Trafficking in Persons.
- (f) ONRTIP has developed and provided tools such as the Human Trafficking Survivors’ Handbook which provides a roadmap of support services that are available to persons who have been trafficked and an A-TIP E-Learning Tool which provides stakeholders with digital information as to the activities that comprise Human Trafficking. This Office has also provided its ONRTIP’s Online Resource Library which is an available repository of information on Human Trafficking. It can be found at <https://jamaicaonrtip.com> and is useful to stakeholders, including students and persons working to combat trafficking.
- (g) Hosting of the Regional Caribbean Conference of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) in December 2018.
- (h) ONRTIP, in its capacity as the current Chairman of the Caribbean Coalition Against Trafficking in Persons works to create synergies and foster collaboration so that the Caribbean’s anti-trafficking framework as well as facilitates the sharing of best practices among its membership and anti-trafficking stakeholders in each territory.

- Observations:
 - Sustained increases in investigations and prosecutions indicate enhanced capacity and focus on combating TIP.
 - While investigations are robust, the conviction rate highlights challenges in securing successful prosecutions.
 - The Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007, was further amended in 2021 to:
 - Remove the options of fines as a penalty for certain offences;
 - Increased certain fines from a maximum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to a maximum of One Million Dollars (\$1,000,000.00); and
 - Includes a provision to allow the Minister of National Security, by Order, subject to affirmative resolution, to make amendments to the provisions relating to monetary penalties specified in the Act.

133. During the review period (2017–2023), the following law enforcement and prosecutorial activities were undertaken:

<i>Number of TIP cases investigated</i>	<i>Number of individuals prosecuted</i>	<i>Number of victims identified</i>	<i>Number of convictions</i>
321	40	66	9

NB: There were no convictions in 2017.

- A further breakdown is provided below:

<i>Year</i>	<i>No. of investigations launched</i>	<i>No. of TIP prosecutions</i>
2017	40	5
2018	30	6
2019	51	6
2020	42	3
2021	53	5
2022	60	7
2023	45	8
Total	321	40

134. The trends observed in the investigations and prosecutions include:

- (a) Jamaican girls under the age of 18 years old are the primary victims;
- (b) Sexual exploitation remains the predominant form of exploitation; and
- (c) Most alleged traffickers are Jamaican nationals, and which includes the parents of victims.

135. In addition, the National Children's Registry (NCR) data indicates that:

- (a) 65% of investigations were initiated through anonymous calls to the NCR hotline.
- (b) Over 90% of these investigations were closed without evidence of trafficking but often required interventions by the Child Protection and Family Services Agency (CPFSA).

Sanctions against Offenders/Protection and redress to victims

136. The Act allows the courts to order restitution to victims on conviction of the perpetrator(s). Circumstances under which restitution may be ordered include:

- (a) Costs of medical and psychological treatment;
- (b) Costs of physical and occupational therapy and rehabilitation;
- (c) Costs of necessary transportation, temporary housing and childcare;
- (d) Cost income;
- (e) Attorney's fees and other legal costs;
- (f) Compensation for emotional distress, pain and suffering; and
- (g) Any other losses suffered by the victim, which the Court considers applicable.

137. The Act also allows for the forfeiture of any property or proceeds obtained in the course of the crime, or benefits gained from committing criminal activities, irrespective of whether the assets are located in a foreign country.

138. Additionally, the Act provides immunity for victims from prosecution in matters related to prostitution and immigration. Furthermore, it mandates the protection of victims by requiring the government and relevant authorities to take all reasonable measures to safeguard them from recapture, intimidation, or retaliation by traffickers and their associates. This protection includes ensuring the victim's rights are conveyed and upheld, provision of legal and social assistance, and facilitating access to necessary documents such as passports and other required documentation for their repatriation. The Act also mandates the GoJ to provide safe shelter and financial support for living expenses, among other forms of assistance.

139. Furthermore, the Government is obligated to develop and implement programmes and initiatives to support victims in their integration, reintegration, or resettlement. To ensure a victim-centred approach in legal proceedings, the Act allows for in-camera hearings in cases

involving child victims or other exceptional circumstances to protect the victim's well-being. In addition, through partnership support, the government established multiple child-friendly spaces for the interviewing of child victims.

140. No case has been reported concerning government employees suspected of complicity in any trafficking offence.

Jamaica Office of the National Rapporteur on Trafficking in Persons (ONRTIP)

141. ONRTIP's core functions include:

- Creating a more objective reporting system on the issue of trafficking in the country.
- The authority to obtain from the relevant authorities, including the Director of Public Prosecutions and the TIP Unit in the Jamaica Constabulary Force, any information necessary to carry out her stated duties.
- Conducting independent examinations/investigations of reports of alleged instances of human trafficking where the need arises.
- Reporting on violations, wherever they may occur, of the rights of victims, as well as discrimination, threats or use of violence, harassment, intimidation or reprisals directed at persons exercising these rights.
- Providing an analytical overview of the situation in trafficking in an annual report to the GoJ.⁹

Treatment of aliens, including migrants, refugees and asylum-seekers

Reply to paragraph 18

142. The GoJ continues to be guided by its 2009 Refugee Policy, which is currently earmarked for review. Further developments will be guided by the outcome of that review process.

143. There are currently no specific initiatives to raise public awareness about the rights of refugees in Jamaica. However, during the period, 2023/2024, there has been much public discourse on the subject and the Ministers with responsibility for National Security, and Foreign Affairs and Foreign Trade have been featured in several media interviews discussing the subject.

144. Persons granted refugee status in Jamaica are provided with a Travel Permit Card in lieu of a Refugee Travel Document, which can be used for identification. Refugees are also afforded access to education, healthcare and employment, in keeping with the Government's Refugee Policy.

145. The Refugee Policy (2009) governs the procedure for the application for refugee status, the review process and the grant or denial of refugee status. The application for Refugee Status requires the applicant/s to be in Jamaica at the time of making the application and the desire for refugee status (along with relevant information) is to be indicated to an immigration official or member of the JCF a desire to seek refugee status. Thereafter the application form will be provided to the Applicant/s for completion. The immigration status of the applicant/s shall not affect the application, however persons who hold another refugee status cannot be granted refugee status in Jamaica.

146. The policy is applied to each person without discrimination as to race, gender, religion, nationality or political opinion. The applicant must be treated in a manner consistent with internationally recognized human rights standards and no person shall be removed from Jamaica until his/her application has been finally determined.

147. The application will be reviewed by the Refugee Eligibility Committee. The Committee comprises three persons who are senior officers in the Ministry National Security (which is responsible for Immigration matters), and /or from other government

⁹ ONRTIP.

ministries/departments, namely, the Ministry of Foreign Affairs and the Ministry of Justice, or the Ministry of Legal and Constitutional Affairs, the Attorney General’s Chambers, or the Passport, Immigration and Citizenship Agency or the Jamaica Constabulary Force.

148. The Committee will review each application on its merit and submit its recommendations to the Permanent Secretary on the outcome of applications for the grant, withdrawal or revocation of refugee status. If an applicant wishes to appeal the decision of the Permanent Secretary, the appeal application will be submitted to the Refugee Review Body. The Refugee Review Body comprises of three persons: a retired judge, retired diplomat and a retired Permanent Secretary or a person who has held senior public office.

149. The Refugee Review Body, upon receiving the documentation of the appeal, this Body would make recommendations as to whether the Permanent Secretary’s decision should be overturned or upheld to the Minister (Ministry of National Security currently responsible for refugee status in Jamaica).

Access to justice; independence of the judiciary and right to a fair trial

Reply to paragraph 19

Reformation of the Justice System

150. The openness of judicial proceedings is a fundamental principle enshrined in the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, the right to a fair trial, which states at Section 16 (1) that: “Whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.”¹⁰

151. Additionally, everyone, including individuals who are detained or charged with an excepted offence, may be granted legal aid under the Duty Counsel Scheme. A Duty Counsel (an attorney) will act on this person’s behalf at the police station or lockup. A detainee is still permitted assistance by Duty Counsel, even where there is an intention to subsequently retain other Counsel. Duty Counsel services are free of charge. If the matter proceeds to court, a request for an Attorney can be made through the Judge, the Legal Aid Council, or a Legal Aid Clinic. A person may qualify for legal aid if the court, or any person authorized under the Legal Aid Act, determines that they are financially unable to afford legal representation.

152. The committal proceedings process came into effect by the Committal Proceedings Act and the Committal Proceedings Rules, therefore on 1 January 2016 “old style” preliminary inquiries were replaced. This change significantly reduces the time Parish Courts spend to determine whether there is prima facie evidence of serious offences beyond the jurisdiction of the Parish Courts that require cases to be committed for trial in the circuit courts. This new, largely paper-based process has a number of benefits including that it is much faster than preliminary inquiries; and, in most cases witnesses are not required to provide depositions and therefore do not have to testify in the same matter twice – in the Parish Court and then again at the trial in the circuit court; while the Parish Courts can use the time saved to speed the disposition of matters within their jurisdiction.

153. The Criminal Justice (Administration) Act, as amended by the Jury (Amendment) Act 2015 permits criminal matters (except for murder or treason) to be heard by bench trial (judge sitting without a jury), provided that both the prosecution and the defence have agreed in writing for the offence to be tried by a judge alone. Bench trials conserve on the resources of time and money as there is no need to empanel a jury (inclusive of challenging candidates for the jury) or delays caused by the holding of a voir dire (whereby the jury will have to be dismissed to avoid being prejudiced and then recalled while the judge handles a matter within the trial); nor there will be any expenditure for jury fees.

154. The Ministry of Justice (MOJ), on Thursday, August 4, 2022 showcased two newly constructed, state of the art witness rooms, at the Office of the Director of Public Prosecutions (ODPP). The construction of the witness rooms is one of several activities funded under the

¹⁰ https://dpp.gov.jm/witness_intimidation.

Memorandum of Understanding (MOU) between the MOJ and the Foreign Commonwealth Development Office (FCDO) of the British High Commission. Under the MOU, the FCDO's Serious Organized Crime and Anti-Corruption Programme and the Ministry will treat with reforms at both the Parish Courts and the ODPP. The new rooms now allow the ODPP the opportunity to meet the requirements of integrity within the justice system. They are equipped with video conferencing technology, a document camera along with acoustic panels installed on the walls to limit audio escaping to ensure confidentiality. Prior to the major renovations currently being undertaken at the ODPP, the original space did not have a location for witness rooms. The witness rooms, therefore, will provide a safe and secure location for prosecutors to interview vulnerable witnesses in the provision of testimony to prepare for court appearances. Current renovations at the ODPP form part of the Justice Ministry's efforts toward the modernization of the Justice System which started in 2007 under the Jamaican Justice System Report Project.¹¹

Administration of Justice

155. A robust and verifiable system of data production has been created in both the Parish Courts and the Supreme Court. In the Supreme Court, each Division has a set of data entry officers whose daily responsibility is to enter data on new cases and as necessary update all case activity and events as the matters traverse the courts. For the civil divisions, such updates are done electronically using the Judicial Enhancement Management Software (JEMS) software, which has been evolved to cater for a wider range of data capture and reporting needs. In the High Court Division of the Gun Court, the Home Circuit Court and the Revenue Court, the new Judicial Case Management System (JCMS) is utilized. Further progress is anticipated as the Ministry of Justice has engaged in the procurement of the Integrated Electronic Case Management which will revolutionise the operation of the Court.

156. In all divisions, the Court Clerk records live data of the respective hearing. In order to assure the integrity of this data that is entered into the systems, data validators are specially assigned to scrutinize case files on a daily basis to ensure consistency with the electronic data and adequacy of data capture. Once all data for the periods of interest are entered into the systems, and the necessary checks and balances completed, the data is then migrated to a Microsoft Excel friendly platform, from where it is extracted, the statistical data processed and reports generated. Statistical reports are generated for each of the three terms, which constitutes the operating year for the Supreme Court, as well as for the vacation period mainly for the Civil Registries. These reports culminate with an Annual Statistics Report.¹²

157. The Second Quarter Criminal Parish Court 2024 Report details the performance of the Parish Courts of Jamaica for the second quarter of 2024 (April 1, 2024 – June 30, 2024). Notably, the Criminal Division has achieved a net backlog of under 5% and a clearance rate exceeding 112%. The Criminal Division of the Parish Courts has successfully achieved a key strategic objective: “reducing the overall net case backlog rate to below 5%”. The overall case disposal rate for the second quarter of 2024 was 49.91%, representing a decline of 1.65 percentage points compared to the same period in the prior year.

158. At the parish courts, a data capture system for criminal matters, called the CISS (Case Information Statistical System) has been operational in all courts for the past 8 years. This system captures a wide range of data on the progression of criminal cases from initiation to disposition and is manned by at least one dedicated Data Entry Officer in each court working with a view that the data produced is as close as possible to real time. The electronic data sheets for each parish court are then validated and backed up to the network at the end of each month and the data submitted to a centralized, secure medium for processing by the Statistics Unit at the Supreme Court. A robust data validation mechanism is in place to periodically sample criminal case files in all parish courts on a quarterly basis.¹³

¹¹ [Access to Justice Bolstered: DPP'S Office Outfitted With Witness Rooms | Ministry of Justice.](#)

¹² https://supremecourt.gov.jm/sites/default/files/THE%20CHIEF%20JUSTICE%27S%20ANNUAL%20STATISTICS%20REPORT%20ON%20THE%20SUPREME%20COURT%20FOR%202024__FIN_.pdf

¹³ https://parishcourt.gov.jm/sites/default/files/2024%20Qtr_2%20The%20Chief%20Justice%27s%20Criminal%20Division%20Statistics%20Report.pdf

159. The framework for our system emanated from the International Framework for Court Excellence (IFCE), 2013. The IFCE focuses on seven areas, which have informed the pillars for “Benchmarking the Future: Courting Excellence (2019 – 2023) Strategic Business Plan for the Judiciary”, and “Benchmarking the Future: Consolidating Evidence (2024–2028) Strategic Business Plan for the Judiciary”.

160. Jamaica having had to meet the evaluative structure of IFCE, along with its own national judicial goals, has earned its place in the International Consortium for Court Excellence (ICCE) as of December 11, 2023.

Independence of the Judiciary & The Office of the Director of Public Prosecutions (ODPP)

161. The Judicial Services Commission is entrenched in the Constitution of Jamaica (Section 111–113). Its membership must include:

- (a) The Chief Justice.
- (b) President of the Court of Appeal.
- (c) Chairman, PSC.
- (d) Three (3) members appointed in a similar manner as members of the PSC.

162. These members are appointed by the Governor General by instrument under the Board Seal, acting on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition. Two (2) of these members are nominated by the General Legal Council, none of whom is in active practice as an Attorney-at-Law. Members are appointed for a period of up to three (3) years.

163. This Commission advises the Governor General on matters concerning appointments, promotions, acting appointments, transfers, study leave and separation of the Judiciary, that is, Judges of the Court of Appeal, Puisne Judges, Judges of the Parish Court, Registrar of the Court of Appeal and Registrar of the Supreme Court.

164. The Judiciary’s independence has been furthered by the enactment of the Judicature (Supreme Court) (Amendment) Act, 2016 which has established the Court Administration Division. This legislation provided that the Division shall be led by the Chief Justice for the performance of the administrative management services for the courts of Jamaica.

165. The ODPP is created by Section 94 of the Jamaica (Constitution) Order in Council 1962. The Office is described as a public office. Further, Section 94 (2) sets out the qualification of the DPP by stipulating that the holder of the Office should be the equivalent to a Judge of the Supreme Court of Judicature. A Crown Prosecutor is guided and governed by the Constitution of Jamaica and the Laws of the country and has a duty to treat all people equally in accordance with the law. A Crown prosecutor also has:

- (a) The duty to protect and promote the human rights of all citizens;
- (b) To serve the public interest, inclusive of the rights of the victim and the alleged offender, conscious of the need to be accountable and transparent in the execution of duties; and
- (c) To operate in a manner that serves the interests of justice and with respect for the Rights of the accused.

Rights to freedom of expression and freedom of association

Reply to paragraph 20

166. Steps taken to enhance the implementation of laws on Access to Information:

Review of the Access to Information Act within the Framework of the OGP (Open Government Partnership)

- The GoJ has committed to reviewing the Access to Information Act as part of its commitment to the OGP and the multistakeholder co-creation process for Jamaica’s

First OGP National Action Plan (2021-2023) and Jamaica's Draft Second National Action Plan (NAP) (June 2024-December 2026). The aim is to strengthen the Access to Information System through legislative and operational improvements. There are seven (7) commitments included in Jamaica's second National Action Plan under the OGP. They include: (1) Amend the Access to Information (ATI) Act and Strengthen the ATI System in Jamaica (2) Upgrade and Strengthen the Open Data System in Jamaica.

Previous Review of the Access to Information Act

167. Pursuant to Section 38 of the Act, a Joint Select Committee of Parliament was established to review the Act in 2006 and in March 2008. The Committee's review concluded in January 2011. The deliberations and recommendations made by the Committee extended beyond the prescriptions of the Act to the entire regime. The recommendations are contained in the Report of the Joint Select Committee to Consider and Report on the Operation of the Access to Information Act, 2002 Relative to the Review of the Legislation as Provided by the Act of January 2011.

168. The Report is accessible at: https://www.japarliament.gov.jm/attachments/637_Report%20of%20The%20JSC%20to%20Consider%20and%20Report%20on%20Operation%20of%20The%20Access%20to%20Information%20Act,%202002.pdf.

The Access to Information Unit

169. The Access to Information (ATI) Programme in Jamaica focuses on key objectives such as raising public awareness, ensuring compliance, and integrating good information rights practices into the operations of public authorities. The Access to Information Unit has four (4) primary areas of responsibility:

(a) **Monitoring and Compliance:** It also monitors compliance with the Act, Regulations, guidelines, and procedures to ensure that public authorities consistently meet their legal obligations. This includes addressing complaints and intervening where complaints are made by applicants to resolve access to information processing and service issues before the appeal stage where possible.

(b) **Public Education and Communication:** The unit actively promotes awareness of the Access to Information legislation, aiming to inform the public about their rights and responsibilities under the Access to Information Act. This helps individuals understand how they can exercise their rights to access information.

(c) **Training:** The unit provides guidance, advice, and training to public authorities on how to interpret and administer the Access to Information Act. The unit also provides guidance on procedural matters and conducts specialized training for Access to Information responsible officers including related to the right to appeal.

(d) **Secretariat Services to the ATI Appeal Tribunal:** The unit supports the ATI Appeal Tribunal by offering logistical, administrative, and financial assistance for its meetings and hearings. The Unit provides guidance and support to Appellants and Respondents on the right to appeal and processes and the functioning of the Appeal Tribunal.

The ATIU is currently working on:

(a) Development of Public Authority Access to Information Report Card Framework.

(b) Draft of Access to Information Public Authority Self-Assessment Toolkit.

(c) Updated Quarterly and Monthly Reporting Templates to improve access to information data collection continued. Planned improvements will support improved statistical information analysis and align with GoJ Open Data Policy principles. We also continued working on improving timeliness and Quality of Report submissions by Access to Information Officers on behalf of Public Authorities.

(d) Improved Guidelines for Access to Information Responsible Officers.

(e) Currently upgrading to Access to Information Unit website.

(f) Planning development of Technical Requirements for the development of an access to information an online portal to submit, track and monitor Access to Information Act requests This initiative will be instrumental in modernizing and automating the process of submitting and tracking requests for public information (2025/2026FY).

170. These activities are linked to the GoJ OGP Commitments to improving the Access to Information System in Jamaica and aligned to improved service delivery as envisioned by the GoJ Service Excellence Policy. They are also consistent with the GoJ digital transformation efforts.

Public Education and Communication

171. The Access to Information Unit's (ATIU) communication activities focused on mass media engagement through Radio Ads and Print Ads in local newspapers. The ATIU currently has Radio ATI AD Placements and Sponsorship during Live Coverage of Jamaica's National ISSA School Boy Football Season. The Unit has also had ATI Radio Ads during coverage of the national football team (Reggae Boyz) games, local coverage of the Olympics, the IAAF World Championships and the Men's and Women's World Cup tournaments.

Social Media

172. Social media engagement has increased on existing channels (Instagram, Facebook, X, LinkedIn). This includes Social Media Campaign Content for #RightToKnow2024 and continued targeted messaging around access to information rights, how to make a request and the role of the GoJ's Access to Information Unit were part of the focus on all social media channels. We established the ATI Newslink and ATI Weekly Access Point. We have established the ATI Weekly Access Point to keep our internal stakeholders up to date on the latest developments within the ATIU, as well as the Access to Information Act and relevant laws that guide our operations. The team also launched the ATI Newslink, a curated roundup of timely updates and articles on access to information, designed to keep everyone engaged with key news, policy developments, and case studies. We also completed the redesign of the Access to Information Unit Logo and revised ATIU Social Media Templates.

Annual Right to Know Week and International Day for Universal Access to Information (IDUAI) Celebrations

173. The ATIU, MDAs, local civil society organisations and media stakeholders have been celebrating and participating in annual activities to commemorate Right To Know Day since September 28, 2002. Several events are staged with stakeholders to:

(a) Promote access to information rights and good access to information practices.

(b) Highlight the role of access to information laws and their implementation to build strong institutions for public good and sustainable development and mainstream access to information in the public sector.

(c) Promote transparency and accountability and increased public participation in national decision-making through the provision of public access to information services.

(d) Improve stakeholder dialogue on access to environmental information, information accessibility and artificial intelligence.

174. The 'Right to Know Week' activities usually include internal and external 'access to information' activities such as Public Authority Access to Information, Internal Promotional Activities among team members in MDAs, and public educational activities surrounding documentation, information and access services provided by MDAs to the public. MDAs target staff awareness of access to information laws and regulations through information sharing sessions such as 'Internal Awareness Access to Information Virtual Quiz Competitions'.

In-house displays and messaging on internal platforms regarding 'access to information' rights and responsibilities

175. The Access to Information Unit partnered with UN Jamaica for Right to Know Week 2021. This included livestreamed Panel Discussions:

(a) Access to Information, Climate Change and the Environment (Livestream on YOUTUBE & FACEBOOK); This was a discussion on access to information in environmental matters, Climate Change, with MDAs and civil society representatives within the context of the Escazu Agreement, the Paris Agreement and the UN Sustainable Development Goals.

(b) Access to Information Civil Society and Media Stakeholder Forum; This was an information and dialogue session with the media around access to information procedures and mechanisms for redress.

(c) Importance of Access to Information laws and implementation to build back strong institutions for public good and sustainable development - (Livestream on YOUTUBE & FACEBOOK) Panelists from UN/United Nations Economical, Scientific and Cultural Organization (UNESCO), GoJ, Civil Society & Youth. This was a discussion on how the Access to Information legal framework of Laws and Regulations in Jamaica are important mechanisms to ensure public participation and ensures that the Right to Freedom of Expression is advanced by the access to public information by every member of the public and how the right to information can be strengthened and improved within the context of building strong public institutions.

176. During September there was a celebration of "Right to Know" Week (September 23–28, 2024) under the global theme: "Mainstreaming Access to Information and Participation in the Public Sector." Events included a virtual presentation entitled "The Access to Information Act at 20", an overview delivered by Mr. Jeffrey Foreman, Senior Assistant Attorney-General - Constitutional and Legal Affairs Division (Attorney General's Chambers); workshops and presentations on "Mainstreaming Access to Information and Participation in the Public Sector" at the MLCA and the MOHW; and two virtual training sessions on "Improving ATI Service delivery for ATI Responsible Officers."

Annual Artificial Intelligence for Information Accessibility (AI4IA) Global Conference

177. The ATI team and Access to Information Responsible Officers participate in the Annual Artificial Intelligence for Information Accessibility (AI4IA) Global Conference held in commemoration of the International Day for Universal Access to Information (IDUAI) during Right to Know Week in September, 2024.

Broadcasting Commission of Jamaica

178. In relation to the ban on broadcasts promoting violence, abuse of drugs and fraud there have been no related human-rights based complaints made to the Broadcasting Commission of Jamaica (BCJ). Jamaica seeks to prevent criminal activities from being normalized especially among its youth.

179. The BCJ continues to review the digital communications and content ecosystem to ensure that the regulatory framework is effective. An important aspect of that work is its regulatory oversight of 114+ entities comprising 46 cable operators (two of them being the national telecommunications providers, Flow and Digicel), 29 radio stations, 3 television stations, 11 Low Power FM radio/community radio stations and approximately 21 Independent Programme Providers (IPPs).

180. The Commission comprises nine (9) members appointed by the Governor General after consultation with the Prime Minister and Leader of Opposition. The Broadcasting and Radio Re-diffusion Act provides that a member of the Commission can only be removed from office for reason of inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour. This is similar to the security of tenure enjoyed by Supreme Court Judges in Jamaica. Further, the removal of the Commissioner can only be effected by the Governor General on the recommendation of

Parliament by means of a resolution of each House of Parliament, approved by not less than two-thirds of all the members of that house.

Reply to paragraph 21

Training of Access to Information Responsible Officers

181. The ATIU conducts training workshops annually as part of its operational activities for ATI Responsible Officers on Improving ATI Service Delivery. New Best Practices training workshops for ATI Officers have included workshops on Reducing Backlogs and Improving Timelines; Proactive Disclosures & Making Online Information More Useful; Best Practices from the Requester's Perspective; as well as Implementing Technology to Improve ATI Processing. Access to Information Service Excellence & Complaints Resolution are also a part of 2024/2025 activities.

Access to Information Sessions

182. Access to Information Sessions are also conducted with other categories of staff in public authorities to promote awareness of the ATI Act and Regulations, access to information rights and compliance with public authority, access to information policy and guidelines and best practices.

Complaints Management Mechanism

183. The ATIU provides accessible complaints services to applicants who are aggrieved about the level of access to information services they receive from public authorities. The ATI Unit conducts interventions with public authorities when requested prior to the filing of a formal appeal to the Access to Information Appeal Tribunal.

Access to Information Appeal Tribunal

184. The Access to Information Appeal Tribunal is an independent quasi-judicial body appointed by the Governor General. The Access to Information Appeal Tribunal is established to consider all appeals pursuant to Section 32 of the Access to Information Act. Section 1 of the Constitution of the Appeal Tribunal states that the Tribunal shall consist of five members appointed by the Governor General after consultation with the Prime Minister and the Leader of the Opposition.

185. The burden of proving that a relevant decision was justified or that a decision adverse to the appellant should be made by the Appeal Tribunal is with the public authority which made the relevant decision (Section 32 (5)). The Appeal Tribunal may make any decision which could have been made on the original application (except nullify a certificate issued under Section 23 of the Act) (Section 32 (6)). The Appeal Tribunal may also call for and inspect an exempt document (Section 32 (7)). The Access to Information Appeal Tribunal process is governed by the Access to Information Appeal Tribunal Rules, 2005.

186. The Access to Information Appeal Tribunal conducts virtual Access to Information Case Management Conferences and virtual Access to Information Appeal Tribunal Hearings. The implementation of virtual hearings has increased accessibility of the Appeal Tribunal process to persons with disabilities (PWDs), appellants overseas and appellants in rural parishes. The process has also proved more efficient and cost effective for all stakeholders.

187. The ATIU acts as the Secretariat to the Access to Information Appeal Tribunal.

Registration for the Charities Act, 2013

188. The criteria for registration, the application process, and the grounds for refusal are applied universally to all entities seeking to register as a registered charitable organization, without singling out NGOs (Non-Governmental Organizations) as a separate group.

189. The Department of Co-operatives and Friendly Societies (DCFS), therefore do not discriminate against any NGO or obstruct or delimit their work. The application must contain required documents such as a fit and appropriate questionnaire for each board member,

verification of the organization's legal existence, and other relevant documents as defined in the Charities Regulations, 2022 (Part II, Section 3).

190. The Charities Act, 2013 registration process ensures fairness and avoids discrimination. The Authority assesses each application using objective criteria, such as whether the organization was founded only for charitable purposes and whether it serves the public good (Section 17, The Act).

191. These standards ensure that all organizations, including NGOs, are evaluated equitably. Transparency and Legal Safeguards: The Commissioner General's examination of applications (Section 16) and the Authority's duty to submit written reasons for any refusal (Section 16(8), The Act) promote transparency in the process. This approach ensures that any decision to deny registration is well-founded and properly explained, so facilitating accountability. Section 4 of the Regulations also includes controls for non-registered groups using specific names or titles. These procedures protect the philanthropic sector's integrity.

Right to peaceful assembly

Reply to paragraph 22

192. Section 13(3)(e) of the Charter of Fundamental Rights and Freedom protects the freedom of assembly, subject to limitations on the grounds of defence, public safety, public order, public morality, and public health. We wish to note in particular that the JCF Human Rights and Police Use of Force and Firearms Policy relies on Article 3 of The UN Code of Conduct for Law Enforcement which treats with use of force being for exceptional use only and that there should be proportionality when it is used. Use of force will not be used for peaceful assemblies but rather to treat with violent unlawful assemblies. The JCF has emphasized in its 2017 manual on community policing that: [it] is moving from a paramilitary style of policing to a citizen focused service organization based on the philosophy of community policing.

193. The requirement for assembly organizers to submit an application for a permit at least 24 hours in advance allows the JCF to be able to prepare for any eventualities and further their efforts to ensure public order and public safety can be adequately maintained. The Police Officers are able to assess potential risks and manage the event with proper personnel in place. This allows for the right of peaceful assemblies to take place, while ensuring public life is not disturbed.

194. There have been no amendments to the fines and imprisonment sections of the Public Order Act (1967) since its operational date in 1967. The current fines are minimal and require revisions to reflect present economic conditions, however, there has been no consideration for an increase within this reporting period.

195. It is always the policy of the JCF that its members shall use only that amount of force that is strictly necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. The use of force by members of the JCF must accord with the principles of legality, necessity, proportionality, precaution and non-discrimination.

Rights of the child

Reply to paragraph 23

196. The Child Care and Protection Act (CCPA) was amended in 2023. Significantly, the amendments to the Act seek to usher in the reference to a child 'exhibiting behaviour challenges', having been deemed so upon competent professional assessment. The amendments also empower the court to issue, where appropriate, either a residential or non-residential therapeutic order for a child, based on the findings of a social inquiry report and a psychological or psychiatric evaluation. The aim of these amendments is to reduce the placement of children in lock-ups or in prisons, especially where they have not committed a criminal offence. The revision of the Act includes the repeal of section 24, aligning Jamaica

with its obligations under key international treaties relating to child justice and child rights. This legislative change seeks to establish a more just and equitable approach to addressing cases involving children with behavioural challenges, thereby advancing the best interests of the child. As Jamaica awaits the coming into effect of this Act, there are measures in place to reduce the incarceration of minors, in particular:

- The Office of the Children’s Advocate (OCA) is a Commission of Parliament which provides legal representation to children who come before the courts and it routinely makes submissions for non-custodial options to be used when dealing with these children. The deprivation of a child’s liberty is being promoted as being an option of the last resort.
- The OCA actively collaborates with the Judicial Education Institute which coordinates training for members of the judiciary on behalf of the Chief Justice. Through this collaboration, the OCA has conducted a number of judicial training seminars and capacity-building sessions with all levels of the judiciary in the use and application of the OCA’s Child Justice Guidelines – a compendium of best practice for all justice sector stakeholders that outlines minimum standards aimed at ensuring that any child facing the justice system, has access to child appropriate justice. The increased sensitization of members of the judiciary has reduced the reliance on correctional orders in many courts across the island. Such training is ongoing with a session scheduled for 2025.
- The Child Diversion Programme which is operated by the Ministry of Justice, removes children from the rigours of the traditional court system for certain offences as scheduled in the relevant legislation.
- A judge of the Children’s Court is empowered by virtue of Section 76 of the CCPA to make various orders ranging from dismissing the case, placing the child on a probation order, to making a supervision order or a correctional order, providing options for children. The court would be guided by a Social Enquiry Report prior to making its decision.

197. The OCA further provides assistance and protection for minors as follows:

- Providing legal representation for minors charged with committing a criminal offence – at court hearings and also at Identification Parades, Cautioned Statements and/or Question & Answer Sessions; In particular, judges are to refer cases of children appearing without legal representation to the Children’s Advocate or legal aid (section 4 of the CCPA):
- Collaborating with the JCF as it works to identify children who have been placed in police lock-ups across the island and thereafter ascertaining the circumstances of their cases in a bid to determine and take steps with regard to securing bail or some other outcome that can positively affect their status.
- Responding to complaints made by (or behalf of) children who are confined to a remand facility.

198. Training members of the JCF in respect of:

- (a) Reducing instances of children being locked-up by resorting to the child diversion programme; or offering station bail for appropriate arrestable offences or having a child placed as soon as is possible before the courts for other arrestable offences requiring the court’s consideration before bail may be granted; and
- (b) If the circumstances warrant a charge having to be laid, utilizing the option of a summons instead of arresting the child;
- (c) And also the application of the OCA’s Child Justice Guidelines.

199. The Bail Act, 2023 highlights how children should be housed once deemed in conflict with the law and in custody. It states that in the case of a defendant who is a child, references to the defendant’s being kept in custody, or being in custody, include being kept in a place of safety, juvenile correctional centre, or juvenile remand centre, in accordance with the Child Care and Protection Act. Children are placed before a Children’s Court and the matter of bail

is considered once the Judge of the Children’s Court has evaluated all the information before the Court. As the aforementioned child justice guidelines indicate (see section 28), children are only deprived of liberty as a measure of last resort and consideration is to be given to the well-being of the child.

Reply to paragraph 24

200. In 2017, the Prime Minister of Jamaica announced that the Government would amend the Education Act to explicitly prohibit corporal punishment in schools. MOESYI has commenced a review of the Education, 1965 to include amendments to expressly prohibit corporal punishment in schools. The Early Childhood Act currently prohibits corporal punishment in early childhood institutions.

201. The National Commission for Violence Prevention (NCVP) was established in 2019 and is mandated to conduct a continuing comprehensive review of all existing public and private violence-prevention programmes as well as the strategies of the Government. Its purpose is to identify gaps in the prevention and intervention services and to make recommendations with respect to violence prevention and intervention programmes. In 2024 a total ban on corporal punishment was among the recommendations of the NCVP. As of May 2025, the NCVP has submitted a report to the Prime Minister as part of their mandate to develop a 10-year evidence-based National Action Plan and same is to be considered by the Cabinet.¹⁴

202. The ‘OCA in its mandate to protect children’s rights also engages in the following:

(a) Conducting investigations into allegations of sexual abuse and exploitation, especially where the alleged perpetrator holds a public office and/or is an employee of a government institution or is a person in authority – for example, a school official; and providing legal representation for child victims of such abuse;

(b) Conduct of public awareness campaigns such as school tours to advise on preventing abuse; initiatives such as a handbook against sexual grooming and an advisory programme to protect children while using technology;

(c) In collaboration with policy makers, academics, psychologists, parents, representatives from various GOJ Ministries, Departments & Agencies conduct sessions to highlight the issue of corporal punishment and demonstrate other method of discipline; and to prosecute case of corporal punishment resulting in identifiable harm to children;

(d) Provision of psycho-social support to child victims of abuse and the provision of a helpline (Safespot) to offer free and confidential support.

203. The National Children’s Registry (formerly the Office of the Children’s Registry) was merged with the Child Development Agency on November 1, 2017, to form the Child Protection and Family Services Agency (CPFSA). The CPFSA is under the purview of the Ministry of Education, Skills, Youth and Information and works collaboratively with the OCA, the JCF, and other government agencies. There is a team of social workers, investigators, intake officers, and others which maintain an active schedule in serving children and families in seeking to empower children to achieve their highest potential.¹⁵ The main role of the CPFSA is to receive reports of children who are missing, have been are being or are likely to be abandoned, neglected, physically or sexually ill-treated, or are otherwise in need of care and protection. The CPFSA provides a professional and confidential system to encourage, receive, record, assess and refer for timely investigation and curative action, reports of known or suspected instances of child abuse and other threats to children. The CPFSA also manages an effective national alert and response system for the safe return of missing children in the shortest possible time.

204. In support of the National Plan of Action, the Ministry of Justice developed and implemented the aforementioned National Child Diversion Programme. Under this Programme, a Child Diversion Committee has been established in all fourteen parishes, with

¹⁴ <https://jis.gov.jm/violence-prevention-commission-recommends-total-ban-on-corporal-punishment/>.

¹⁵ <https://childprotection.gov.jm/nctr/>.

Kingston and St Andrew sharing a committee. These Committees are designed to keep (or “divert”) children who are accused of minor offences away from the criminal justice system. The OCA’s training sessions have emphasized the psychological harm of having children endure the facilities and circumstances of the penal justice system.

Rights of minorities

Reply to paragraph 25

205. The GoJ stands by its response submitted to the Committee on the Elimination of Racial Discrimination regarding the presence of “indigenous peoples”. The Government maintains that there are no indigenous peoples remaining in Jamaica but acknowledges the historical and cultural impact of the Tainos, who were the first inhabitants of the island. The contribution of certain cultural aspects of the indigenous peoples to modern Jamaican society has been well documented in Jamaican history today. Importantly, for the purposes of obligations under the Convention, there have been no discriminatory actions or omissions against persons or groups of persons who have declared their indigenous heritage. Similarly, there has been no breach of the Convention’s prohibition against discrimination in relation to other people or groups of peoples who have declared their indigenous heritage by virtue of, inter alia, distinct cultural practices.

Government of Jamaica’s Ongoing Support for the Maroon Communities

Field Research

206. Through the African Caribbean Institute of Jamaica/Jamaica Memory Bank (ACIJ/JMB), a division of the Institute of Jamaica, and an agency of the MCGES, field research has been conducted in the four (4) main Maroon settlements in Jamaica since 1972. These four (4) settlements are Accompong Town in St. Elizabeth, Charles Town and Moore Town in Portland and Scott’s Hall in St. Mary. The Maroon Town settlement in Flagstaff, St. James has also been the subject of field research, although the area does not have a defined annual celebration as does the other four (4) settlements.

207. Audio-visual documentation of the traditional Maroon celebrations had been conducted annually, prior to the advent of the Covid-19 pandemic. The ACIJ/JMB has in its archives thousands of hours of oral history testimonies, photographs, video-recordings and research papers on Maroon traditions and celebratory rites from the 1970’s.

208. Additionally, Maroon folk songs and oral testimonies collected by the late Musicologist Dr. Olive Lewin, under the direction of former Prime Minister, the Most Hon. Edward Seaga, ON, PC, are also stored in the JMB’s archive. These recordings date back to the decade of the 1960’s.

209. Field Research has documented the traditional Jamaican Maroon celebrations listed below:

<i>Celebration</i>	<i>Maroon Community</i>	<i>Location</i>	<i>Date</i>
Kojo Day	Accompong Town	St. Elizabeth	January 6
Asafu Yard	Charles Town	Portland	April 22
Nanny Day	Moore Town	Portland	National Heroes’ Day (3rd Monday of every October)
Emancipation Day Festival	Scott’s Hall	St. Mary	August 1

UNESCO Declaration

210. In 2003, the Ministry of Culture, Gender, Entertainment and Sport led an initiative to inscribe the Maroon Heritage of Moore Town to UNESCO’s Masterpiece List of the Oral

and Intangible Cultural Heritage of Humanity. This was occasioned by field research conducted over a period of 18 months in the community of Moore Town, which revealed that the traditions of the Kromanti Play (a traditional Maroon dance to venerate the ancestors) and the Kromanti language were fast disappearing, due largely to urban migration by the Maroon youth. A dossier in support of safeguarding these waning traditions was submitted and UNESCO inscribed the cultural element with a special award of J\$10 million to conduct safeguarding workshops, documentation of Maroon craft techniques and the establishment of a Maroon archive in Moore Town.

UNESCO Training and Stakeholder Group

211. In 2012, the UNESCO Kingston Office and the MCGES partnered to stage a series of Safeguarding workshops with cultural communities including the Maroons under the project “Safeguarding Intangible Cultural Heritage of Belize, Jamaica and Trinidad and Tobago through strengthening their capacities for implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage 1 June 2012 – 1 December 2015”. The project was valued at US\$300,000.00. Over twenty (20) Maroons from the four (4) established communities of Moore Town, Accompong Town, Charles Town and Scott’s Hall benefited from training in audio-visual documentation. Participants were also provided with equipment to document their own oral histories which would, in turn, be lodged at the ACIJ/JMB, as part of its Maroon archive. The ACIJ/JMB also formed a National Stakeholder Group with the Maroon community and other ethnic groups in Jamaica. The group meets quarterly.

UNESCO/ MCGES support of low-income Maroon activities

212. The COVID-19 pandemic brought many income-generating activities to a standstill, provoking a sudden loss of livelihoods for many bearers and practitioners in Jamaica. In recognition of this and to provide relief to the Maroon communities, a 6-month project was implemented in the Charles Town Maroon community in Portland. The project took stock of the intertwined relations between traditional craftsmanship and income generation and was geared towards supporting traditional knowledge and practices of the Maroon communities in Charles Town. Training workshops on wicker and beading and hand-sewn crafts were delivered by elders from the Windward Maroon community, thereby promoting intergenerational transmission of living heritage. The project was funded in the amount of US\$5,000.00.

Cultural Grant/Sponsorship for Maroon Communities

213. The MCGES has sponsored the staging of the annual celebrations for the four (4) main Maroons communities. Charles Town, Scott’s Hall and Moore Town are each given J\$250,000.00 annually to support their events. In 2020 and 2021 the community of Charles Town was given an additional amount of J\$100,000.00 to support on-line classes for students impacted by the COVID-19 pandemic.

214. Sponsorship for the annual Kojo Day celebrations in Accompong Town is usually J\$1 million due to the size of the annual celebration and its importance as a tourist attraction. In 2021, the Ministry increased its sponsorship to J\$1.5 million to facilitate the staging of a hybrid, virtual celebration. A 2020 Coaster bus, valued at J\$14.5 million was also donated to the Accompong Town Maroons.

Support under the MCGES economic opportunities programme

215. The MCGES provided funding of J\$8.2 million to support several cultural communities as at the third quarter of 2018/2019. Following the Blue and John Crow Mountains Economic Opportunities Workshop Series held in October 2017, the Ministry extended its support of cultural communities by partnering with the Social Development Commission (SDC) to develop community-based enterprises in the Blue and John Crow Mountains. The MCGES and SDC hosted a “Mango Festival” in Dallas Castle in July 2017. Some 200 individuals participated, and 16 new businesses received business development support. A Wine Festival was also held in Constitution Hill in August, with approximately 170 individuals in attendance. 10 businesses received business development support.

Through the support of the Ministry these two (2) communities have successfully executed community tourism/gastronomy festivals.

216. Financial support of J\$200,000 was provided to the Jamaica National Heritage Trust (JNHT) to enable the first training in Moore Town, Portland of Maroon Cultural Assistants associated with the Blue and John Crow Mountains World Heritage Site. The Ministry contracted the Jamaica Business Development Corporation (JBDC) to produce a Needs Assessment Report for the Accompong Maroon community. The report identified: training and certification, access to financing and start-up capital as areas of focus for community assistance and interventions. As a result of the findings, the Ministry hosted an Economic Opportunities Workshops in Accompong in September 2018, with over 300 residents in attendance. Subsequently, some 20 residents of Accompong were trained and certified in Tourism Product Development Company's Team Jamaica Programme and another 20 Trained and certified as Tour Guides. In addition, the Ministry signed a Memorandum of Understanding (MOU) with Hardware and Lumber Limited, to distribute grant funding of J\$1,250,000.00 or J\$25,000.00 each to 50 small business owners and operators from the Accompong Maroon community. The grants were disbursed in March 2019.

Support given to Maroon and Taino Communities during and since COVID-19 pandemic

217. The GoJ continued to support the celebration days of the Maroon communities throughout the period of the Covid-19 pandemic in Jamaica (from March 2020 to 2022). Funding was provided by the MCGES to stream Maroon ritual ceremonies for all the communities when public gatherings were prohibited. The amounts given ranged from J\$ 250,000.00 to J\$ 1,000,000.00, depending on the needs identified and the scope of the rituals. In the Maroon community of Charles Town, the MCGES underwrote the cost of purchasing equipment and the provision of internet services so that children from the community could access on-line classes provided by the then Ministry of Education and Youth (now Ministry of Education, Skills, Youth and Information).

218. The GoJ has also supported Maroon history and heritage, and its contribution to national development when, in 2009, it awarded culturally important groups, including the Maroons, the Special Gold Musgrave Medal for safeguarding Jamaica's culture. More recently, in October 2022, Colonel Wallace Sterling of the Moore Town Maroons was awarded the national honour of Order of Distinction (Officer Class) for the promotion and protection of Maroon heritage in Jamaica. Colonel Sterling has been the longest-serving Colonel of all the Maroon communities.

219. In 2024, apart from continuing its support for main Maroon celebrations and rituals the MCGES also covered funeral costs for two (2) deceased Maroon Colonels. Support has also been given to the Yamaye community for their celebrations to mark the New Year and the start of the rainy season (Boina Aganeuku) in 2023 and 2024. This is in addition to the annual commemoration of Taino Day by the JNHT, an agency of the MCGES since May 4, 2007, at Seville Heritage Park in St. Ann and at its Headquarters, for the past 17 years.

Ongoing dialogue, Policy formulation and engagement

220. The MCGES has facilitated on-going dialogue between the Maroon communities and the GoJ to discuss issues relating to infrastructure development, representation at the local level (Parish Councils), and land rights. These issues were the subject of an initial meeting with the Dr. the Most Honourable Prime Minister Andrew Holness, ON, PC, MP and the Minister of Culture, Gender, Entertainment and Sport, Honourable Olivia Grange, OJ, CD, MP, on Friday, January 21, 2022.

221. The MCGES has also engaged the Maroon communities as critical a stakeholder in the process to craft a national policy for a Dress Code for Access to Public Service. This process will see the drafting of legislation to prevent any Jamaican citizen, regardless of race, creed, sexual orientation or self-identification to be able to access all public services as a part of the suite of rights protected under Jamaica's Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011.

222. In keeping with the recommendations of MONDIACULT 2022 (the world's largest cultural policy conference) on how to craft new cultural policies, the 2005 UNESCO

Convention for the Protection and Promotion of the Diversity of Cultural Expressions, and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, the MCGES is currently working on a new National Policy for Culture, Entertainment and the Creative Economy. Sections of the policy speaks to the establishment of frameworks to treat with groups who self-identify as 'Indigenous peoples' and the steps to create guidelines for an official interface with them, within the context of mutual respect and to keep open avenues for dialogue. The MCGES is also in the process of formulating a position paper on indigenous groups and indigenous cultures in Jamaica.

223. With reference to the question on the issue of the bauxite mining activities, the GoJ wishes for the matter before our local court to be ventilated before the GoJ comments in the international forum.
