



General Assembly

Distr.: General
12 August 2010

Original: English

Human Rights Council

Working Group on the Universal Periodic Review

Ninth session

Geneva, 1–12 November 2010

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1

Jamaica

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	4 June 1971	Reservation ³	Individual complaints (art. 14): No
ICESCR	3 Oct. 1975	None	–
ICCPR	3 Oct. 1975	None	Inter-State complaints (art. 41): No
CEDAW	19 Oct. 1984	Yes (art.29, para.1)	–
CRC	14 May 1991	None	–
OP-CRC-AC	9 May 2002	Binding declaration under art. 3: 18 years	–
ICRMW	25 Sept. 2008	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
CRPD	30 March 2007	None	–

Core treaties to which Jamaica is not a party: OP-ICESCR⁴, ICCPR-OP1 (denounced, 1997), ICCPR-OP2, OP-CEDAW, CAT, OP-CAT, OP-CRC-SC (signature only, 2000), CRPD-OP (signature only, 2007), and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes, except the 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes, except Additional Protocol III
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Human Rights Committee (HR Committee) in 1997⁹ and the Committee on the Rights of the Child (CRC) in 2003¹⁰ noted with regret Jamaica's withdrawal from the first Optional Protocol to the ICCPR. CRC recommended that Jamaica consider re-accession,¹¹ and encouraged it to ratify the OP-CRC-SC.¹²

2. In 2006, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged Jamaica to ratify the OP-CEDAW and to consider ratifying the CAT.¹³

3. In 2010, the Special Rapporteur on the question of torture recommended that Jamaica ratify CAT and its Optional Protocol, as well as re-accede to the first Optional Protocol to the ICCPR.¹⁴

B. Constitutional and legislative framework

4. In 1997, the HR Committee recommended that the 1903 Flogging Regulation Act and the 1942 Crime (prevention of) Act which provide for and regulate corporal punishment both as a penalty, be repealed.¹⁵

5. In 2003, CRC expressed concern about the low legal age of criminal responsibility (12 years) and recommended that Jamaica raise it to an internationally accepted age.¹⁶

6. In 2006, CEDAW was concerned about extensive delays amounting to more than 15 years, and the lack of priority afforded to legal reforms to eliminate discriminatory provisions against women, close legislative gaps and enact laws to bring the country's legal framework fully into compliance with the Convention.¹⁷

7. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations reiterated the absence of sex as a prohibited ground of discrimination in article 24 of the Constitution and requested Jamaica to provide information on the status of the Constitutional Amendment Bill.¹⁸

8. In 2010, the Special Rapporteur on the question of torture recommended that Jamaica amend its domestic legislation to include the crime of torture in accordance with CAT.¹⁹

C. Institutional and human rights infrastructure

9. As of 26 July 2010, Jamaica does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body</i> ²¹	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2001	March 2002	–	Sixteenth and seventeenth reports overdue

<i>Treaty body²¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
				since 2004.
CESCR	2000	Nov. 2001	–	Third report overdue since 2003.
HR Committee	1997	1997	–	Third report overdue since 2001, submitted in 2009.
CEDAW	2004	Aug. 2006	–	Combined sixth and seventh reports overdue since 2009.
CRC	2000	June 2003	–	Combined third and fourth report overdue since 2008.
OP-CRC-AC	–	–	–	Initial report overdue since 2004.
CMW	–	–	–	Initial report overdue since 2009

10. In 2003, CRC regretted that some of the recommendations in its previous concluding observations have been insufficiently addressed, particularly those concerning, inter alia, the incorporation of the principles and provisions of the Convention into national legislation, the monitoring and coordination of the implementation of the Convention, the resources for children, non-discrimination, violence and abuse against children.²²

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (12–21 February 2010).
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	Independent Expert on foreign debt in 2008.
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the question of torture expressed his gratitude to the Government for the excellent cooperation extended during his visit.
<i>Follow-up to visits</i>	–

<i>Standing invitation issued</i>	No
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, two communications were sent. The Government replied to none.
<i>Responses to questionnaires on thematic issues</i>	Jamaica responded to 6 of the 23 questionnaires sent by special procedures mandate holders, ²³

3. Cooperation with the Office of the High Commissioner for Human Rights

11. Responding to a request from Jamaica's Prime Minister for the United Nations Country Team to provide expert support to the Jamaican Public Defender's Office in its investigation of the numerous deaths reported during the 24 May security forces' operations in Tivoli Gardens and adjoining communities in Western Kingston, OHCHR assisted the United Nations Country Team in identifying experienced international forensic pathologists to help with the investigations.²⁴

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. In 2006, CEDAW urged Jamaica to put in place a comprehensive strategy to modify or eliminate negative cultural practices and stereotypes that discriminate against women, and to undertake such efforts in coordination with a wide range of stakeholders.²⁵

13. In 2002, CERD encouraged Jamaica to reconsider its position as to the absence of racial discrimination in the country and to implement effective measures to address direct and indirect discrimination.²⁶

14. In 2010, UNICEF noted the inadequate services and opportunities that exist for children with disabilities who are subject to high levels of stigma and discrimination.²⁷

2. Right to life, liberty and security of the person

15. In 2010, the Special Rapporteur on the question of torture expressed concern about the rise in fatal shootings by the police, which were often alleged to amount to extrajudicial killings, as well as the apparent lack of investigation and accountability for those responsible. He recommended that Jamaica inter alia, ensure investigations for all allegations of ill-treatment or excessive use of force; bring into force the Independent Commission of Investigation, equipped with sufficient powers to investigate all forms of police misconduct; and bring to justice the perpetrators.²⁸

16. In December 2005, the Special Rapporteur on extrajudicial, summary or arbitrary executions together with the Special Representative of the Secretary-General on the situation of human rights defenders sent a communication to the Government concerning the killing of a man. Concern was expressed that this killing was related to his work for marginalized people and people living with HIV/AIDS.²⁹ As at 26 July 2010, the Government has not replied to this communication.

17. In October 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a follow-up letter to a communication sent in November 2004 to the Government relating to the killing of a woman and a man by law enforcement officials. In its response of April 2005 to this communication, the Government informed that investigations were being carried out. He requested the Government to provide information

on the results of these investigations and if any penal or disciplinary sanctions were imposed and if any compensation provided to the families of the victims.³⁰ The Government has not replied to this follow-up letter.

18. Concerning death penalty, in 2010, the Special Rapporteur on the question of torture was encouraged by the fact that no death sentence had been carried out since 1998 and recommended abolishing the death penalty.³¹

19. In 2006, CEDAW noted with concern the extent, intensity and prevalence of violence against women, especially sexual violence, possibly due to the prevailing gender stereotypes and patriarchal culture.³² It urged Jamaica to design and implement a comprehensive strategy to combat and eradicate violence against women, punish offenders and provide services for victims; ensure the implementation and effective enforcement of existing laws, and the priority passage and implementation of pending laws; establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and programmes aimed at preventing and redressing violence against women.³³

20. In 2003, CRC was concerned at the sexual exploitation and trafficking of children, including street children, and the lack of adequate laws and policies in this regard.³⁴ It recommended that Jamaica: take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation; and implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims.³⁵

21. In 2009, the ILO Committee of Experts observed that, although Jamaica's legislation prohibits the sale and trafficking of girls under the age of 18, boys under 18 years are not protected, and requested Jamaica to provide information on the measures taken to ensure that the sale and trafficking of both boys and girls below 18 was effectively prohibited.³⁶

22. A 2006 United Nations Secretary-General's Study on Violence against Children pointed to the situation in Jamaica which revealed the extent to which violence affected Jamaican children: girls were primarily the victims of sexual violence; children of both sexes were exposed to high levels of violence in their communities; both boys and girls were commonly punished in violent ways, generally starting at age two, but boys were often punished more frequently and harshly.³⁷ In 2010, while commending the banning of corporal punishment in schools, the Special Rapporteur on the question of torture noted that there were no legal provisions banning corporal punishment in the domestic sphere. He was concerned that the use of corporal punishment appeared to be deeply entrenched in Jamaican society.³⁸

3. Administration of justice, including impunity, and the rule of law

23. In 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted the 2004 recommendations on a series of measures to strengthen accountability for the use of force, in particular lethal force, by the security forces. However, according to the Special Rapporteur, the general picture remained that very little was done to implement the 2004 recommendations. As a result, the inexcusable situation of nearly complete impunity for killings by the police persisted, reinforcing the tendency of law enforcement officials to substitute extrajudicial executions for investigation and criminal procedure.³⁹

24. In 2010, the Special Rapporteur on the question of torture was concerned at the lack of a clear definition or criteria for the identification of an uncontrollable child and the wide discretion given to the judiciary to make this decision, and at the fact that children in conflict with the law, those deemed uncontrollable, and those in need of care and protection from the State were held together in detention facilities without distinction.⁴⁰ Another concern was the fact that in some detention facilities, children were held together with

adults.⁴¹ He stated that children should be placed in specialized facilities, adequately equipped and staffed, where their special needs could be met.⁴²

4. Right to privacy, marriage and family life

25. In 2003, CRC was concerned at the fact that the level of birth registration had decreased in previous years.⁴³ It recommended that Jamaica more effectively enforce the Registration Act and facilitate late registration.⁴⁴

26. In 2006, CEDAW was concerned that the legal minimum age of consent for marriage was 16 years, with parental consent or that of a guardian.⁴⁵ It called upon Jamaica to raise the minimum age of marriage to 18 years; monitor the trends in teen pregnancies; implement programmes for the prevention of teen pregnancy; and provide social services to pregnant teens.⁴⁶

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

27. In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders indicated that since the establishment of her mandate, she had sent two communications to the Government regarding the case of a journalist reporting on human rights who was subjected to death threats, and the case of a witness of an alleged extrajudicial execution who received death threats from the police. She regretted that the Government had not responded to her communications.⁴⁷ She added that she had received information from non-governmental sources stating that human rights defenders continue to face hostility from the authorities and that the Police Federation in 2004 called for human rights groups to cease their “illegal interference”.⁴⁸ She stated that she would appreciate receiving sufficient information from the Government and civil society to be able to further assess the situation for human rights defenders in Jamaica.⁴⁹

28. In 2006, CEDAW was concerned about the low level of participation of women in public and political life at the highest levels of decision-making, and the lack of concrete steps taken to address the underlying causes.⁵⁰ It urged Jamaica to take measures, including temporary special ones, to accelerate the increase in the representation of women in all branches and levels of Government. While welcoming the Parliamentary resolution on the establishment of quotas, CEDAW encouraged its full consideration.⁵¹

6. Right to work and to just and favourable conditions of work

29. In 2006, CEDAW was concerned that women continued to be underpaid and underemployed and faced sex segregation in the labour market. It was also concerned about the lack of legislation prohibiting sexual harassment in the workplace, and the vulnerable situation of domestic workers.⁵² It encouraged Jamaica, inter alia, to create an enabling environment for women to attain high-level and well paid positions; enact legislation prohibiting sexual harassment in the workplace and monitor the de facto situation of women in the workplace, including the receipt of maternity benefits by domestic workers under the National Insurance Scheme.⁵³ Similar concerns were made by CESCR in 2001⁵⁴ and the ILO Committee of Experts in 2010, the latter urging Jamaica, inter alia, to include in its legislation the principle of equal remuneration for men and women for equal work and work of “equal value”.⁵⁵

30. Concerning child labour, CRC recommended in 2003 that Jamaica, inter alia, take the necessary measures to reduce and eliminate it, including by introducing a separate legal provision prohibiting the employment of children under the age of 18 in hazardous work; and take action to implement all policies and legislation relevant to child labour, inter alia,

through campaigns and education for the public on protection of the rights of children.⁵⁶ In 2001, CESCR expressed similar concerns.⁵⁷

7. Right to social security and to an adequate standard of living

31. CESCR in 2001⁵⁸ and CRC in 2003⁵⁹ were concerned about, inter alia, the large proportion of Jamaican families living in poverty especially in rural and inner-city communities; the difficult domestic employment situation and its negative influence on the family situation, e.g. the practice of “child shifting” and situations where one or both parents migrate, leaving children behind; the fact that almost half of all families were headed by female single parents and that their related poverty placed children of these families at particular risk of violations of their rights. In 2006, CEDAW expressed similar concerns, particularly in relation to rural women.⁶⁰

32. CESCR recommended that Jamaica strive for universal coverage of the social security system, giving priority to disadvantaged and marginalized groups in society.⁶¹ CRC recommended strengthening efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children; and develop and implement a poverty reduction strategy.⁶² For its part, CEDAW called upon Jamaica to monitor systematically the impact on women of economic adjustment and trade liberalization policies, and in particular of its National Poverty Eradication Programme and other poverty reduction efforts.⁶³

33. In 2006, while commending Jamaica for its demonstrated reduction in maternal mortality,⁶⁴ CEDAW called on Jamaica, inter alia, to monitor systematically women’s access to health care, including primary and secondary health-care services; implement as well as raise awareness about existing policy on abortion and enact without delay draft legislation which would provide a legal framework for the existing policy; and target adolescent girls with special emphasis on combating HIV/AIDS.⁶⁵

34. In 2003, CRC recommended that Jamaica, inter alia, further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies;⁶⁶ increase its efforts to promote adolescent health and consider means of reducing teenage pregnancy;⁶⁷ continue taking all appropriate measures to improve the health infrastructure; intensify its efforts to address environmental health concerns, particularly with regard to air pollution and solid waste management, and increase access to safe drinking water and sanitation; and intensify efforts to improve safety by reducing violence and abuse as well as preventing accidents.⁶⁸

35. In 2010, WHO stated that Jamaica was reclassified as a Lower Middle Income Economy. According to the WHO 2009 Basic Indicators of Health, Jamaica was on track with its water supply (93 per cent) and sanitation coverage (80 per cent) to meet the relevant Millennium Development Goals (MDGs) targets for 2015. However, water and sanitation needs were still not fully covered in rural areas (42 per cent, compared to 87 per cent in urban areas), where poverty was more widespread. There were a number of policies, gaps, overlaps, and conflicts resulting in less than optimal utilization of scarce resources and the long-term beneficial impacts of some programmes have not been realized.⁶⁹

8. Right to education and to participate in the cultural life of the community

36. In 2003, while welcoming Jamaica’s progress in the field of education, CRC recommended, inter alia, that Jamaica carefully examine the budget allocations for education; intensify efforts to improve the quality of education; seek to further implement participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the accessibility to

education of children from all groups in society, particularly children from poor backgrounds; take additional steps to address the high illiteracy rates and the poor results in national examinations; take measures to increase school attendance and reduce the high drop-out and repetition rates.⁷⁰ In 2001, CESCR expressed similar concerns.⁷¹

37. In 2006, while commending Jamaica on its achievements in the field of girls' and women's education, CEDAW called on it to overcome expeditiously the de facto segregation in the education system, and actively encourage the diversification of educational and professional choices for women and men.⁷²

9. Migrants, refugees and asylum-seekers

38. In 2010, UNHCR stated that Jamaica does not have any domestic implementing legislation for the protection of refugees or the granting of asylum under the international refugee instruments. However, Jamaica has provided refugees with protection in the past, including granting asylum to refugees arriving to the country individually as well as during periods of 'mass influx'. There are no specific mechanisms for the identification of asylum-seekers arriving in larger mixed flows of undocumented migrants, which would be needed in order to ensure access to asylum and to prevent inadvertent situations of refoulement. Documentation and civil status for recognized refugees need to be improved. Refugees do not receive a refugee document or other identity card, and this creates obstacles to the exercise of a wide range of social and economic rights.⁷³

III. Achievements, best practices, challenges and constraints

39. According to a 2010 UNDP report, Jamaica made impressive progress towards the MDGs. Between 1997 and 2007, it halved the poverty rate from 20 per cent to 10 per cent. Jamaica has already achieved MDG 2 of universal primary education. Life expectancy is over 73 years and access to health care is universal. Nevertheless, significant challenges remain. Violence and insecurity persist. The island is extremely vulnerable to natural disasters and climate change. Hurricanes, more erratic rainfall, more frequent tropical storms and a rise in sea levels are predicted to further exacerbate these vulnerabilities. High public debt severely limits Government resources to invest in poverty reduction programmes and infrastructure. On average over the last 10 years, annual debt service costs exceeded the entire revenue that the Government collects through taxes and other channels. During the last economic crisis, exports, tourism and remittances all declined simultaneously. Tax revenues followed suit. Finding a solution to the Government's unsustainable debt burden became not only necessary but urgent.⁷⁴

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

40. The HR Committee requested follow-up information on 98 Views adopted from 1998 to 2004. In 34 of these Views, the Committee was of the opinion that the right to life was violated, since the death penalty had been imposed in judicial proceedings not fully compliant with the requirements of fair trial. Jamaica provided detailed replies in 27 cases. There were 36 general replies indicating that death sentences had been commuted. No follow-up replies have been provided in 31 cases.⁷⁵

41. In 2010, UNHCR stated that Jamaica is encouraged to observe the joint call by OHCHR and UNHCR for the temporary suspension of involuntary returns to Haiti on humanitarian grounds, following the 12 January 2010 earthquake in Port au Prince, and to

provide temporary protection for Haitians until such time as they can safely and sustainably return to their country. According to UNHCR, the Jamaican Government and UNHCR should work together to issue refugee documentation, address work permit challenges, and expedite durable solutions for long-staying refugees. The Government could include consideration of waiving or reducing fees normally associated with naturalization for refugees in light of their special status.⁷⁶

42. In 2010, the Special Rapporteur on the question of torture recommended that Jamaica break the cycle of violence by addressing the root causes of violent crime, including, inter alia, drug trade, trade in firearms, links of criminal gangs to political parties, corruption, poverty and other socio-economic disparities.⁷⁷

V. Capacity-building and technical assistance

43. In 2010, UNHCR stated that it was ready, inter alia, to support the Jamaican Government in drafting national refugee legislation and in further strengthening the national asylum procedure.⁷⁸

44. In 2010, the Special Rapporteur on the question of torture recommended that the relevant United Nations bodies, donor Governments and development agencies consider the administration of justice as the highest priority, in particular the fight against violent crime, policing and the penitentiary system.⁷⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Text of the reservation: “The Constitution of Jamaica entrenches and guarantees to every person in Jamaica the fundamental rights and freedoms of the individual irrespective of his race or place of

origin. The Constitution prescribes judicial processes to be observed in the event of the violation of any of these rights whether by the State or by a private individual. Ratification of the Convention by Jamaica does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce judicial processes beyond those prescribed under the Constitution."

- ⁴ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ Concluding observations of the Human Rights Committee (CCPR/C/79/Add. 83), para. 10.
- ¹⁰ Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 210), para. 11.
- ¹¹ CRC/C/15/Add. 210, para. 12.
- ¹² *Ibid.*, para. 58.
- ¹³ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JAM/CO/5), paras. 41 and 44.
- ¹⁴ A/HRC/16/52/Add.3, para. 77 (b) and (c).
- ¹⁵ CCPR/C/79/Add. 83, para. 15.
- ¹⁶ CRC/C/15/Add. 210, paras. 21–22.
- ¹⁷ CEDAW/C/JAM/CO/5, para. 21.
- ¹⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010JAM111, first paragraph.
- ¹⁹ A/HRC/16/52/Add.3, para. 77(e).
- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ²¹ The following abbreviations have been used for this document:
- | | |
|--------------|---|
| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CRC | Committee on the Rights of the Child; |

CMW Committee on the Protection of the Rights of All Migrant Workers and Their Families

- ²² CRC/C/15/Add. 210, para. 5.
- ²³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ²⁴ OHCHR 2010 Annual Report.
- ²⁵ CEDAW/C/JAM/CO/5, para. 14.
- ²⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO/6), para. 5.
- ²⁷ UNICEF, Issues facing children in Jamaica, Jamaica, 2010, pp. 1–2, available at http://www.unicef.org/infobycountry/jamaica_2166.html.
- ²⁸ A/HRC/16/52/Add.3, paras. 66 and 75.
- ²⁹ E/CN.4/2006/95/Add. 1, paras. 289–290. See also A/HRC/4/20/Add. 1, pp. 189–190, and A/HRC/4/37/Add. 1, paras. 386–388.
- ³⁰ A/HRC/4/20/Add. 1, pp. 190 and 191. See also E/CN.4/2006/53/Add. 1, pp. 136–138.
- ³¹ A/HRC/16/52/Add.3, paras. 66 and 77(r).
- ³² CEDAW/C/JAM/CO/5, para. 15.
- ³³ *Ibid.*, para. 16.
- ³⁴ CRC/C/15/Add. 210, para. 54.
- ³⁵ *Ibid.*, para. 55.
- ³⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009JAM182, first paragraph.
- ³⁷ UNICEF, Global expert on violence urges Jamaican parliament to focus on children, Jamaica, 2010, pp. 2, 5–8, available at http://www.unicef.org/infobycountry/media_42972.html.
- ³⁸ A/HRC/16/52/Add.3, para. 67.
- ³⁹ E/CN.4/2006/53/Add.2, para. 75.
- ⁴⁰ A/HRC/16/52/Add.3, para. 73.
- ⁴¹ *Ibid.*
- ⁴² *Ibid.*, summary, p. 2.
- ⁴³ CRC/C/15/Add.210, para. 30.
- ⁴⁴ *Ibid.*, para. 31.
- ⁴⁵ CEDAW/C/JAM/CO/5, para. 39.
- ⁴⁶ *Ibid.*, para. 40.
- ⁴⁷ E/CN.4/2006/95/Add. 5, para. 843.
- ⁴⁸ *Ibid.*, para. 844.
- ⁴⁹ *Ibid.*, para. 845.
- ⁵⁰ CEDAW/C/JAM/CO/5, para. 29.
- ⁵¹ *Ibid.*, para. 30.
- ⁵² *Ibid.*, para. 33.
- ⁵³ *Ibid.*, para. 34.
- ⁵⁴ Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C. 12/1/Add. 75), paras. 9 and 21.
- ⁵⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010JAM111, first paragraph, and Individual Observation concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX)

- 062010JAM100, second paragraph.
- ⁵⁶ CRC/C/15/Add. 210, para. 51.
- ⁵⁷ E/C.12/1/Add. 75, para. 11.
- ⁵⁸ *Ibid.*, para. 15.
- ⁵⁹ CRC/C/15/Add. 210, para. 34.
- ⁶⁰ CEDAW/C/JAM/CO/5, para. 37.
- ⁶¹ E/C.12/1/Add.75, para. 23.
- ⁶² CRC/C/15/Add. 210, para. 47.
- ⁶³ CEDAW/C/JAM/CO/5, para. 38.
- ⁶⁴ *Ibid.*, para. 9.
- ⁶⁵ *Ibid.*, para. 36.
- ⁶⁶ CRC/C/15/Add. 210, para. 45.
- ⁶⁷ *Ibid.*, para. 43.
- ⁶⁸ *Ibid.*, para. 41.
- ⁶⁹ WHO, Jamaica Country Cooperation Strategy at a glance, May 2010, available at http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_jam_en.pdf.
- ⁷⁰ CRC/C/15/Add. 210, paras. 48–49.
- ⁷¹ E/C.12/1/Add.75, para. 32.
- ⁷² CEDAW/C/JAM/CO/5, paras. 31–32.
- ⁷³ UNHCR submission to the UPR on Jamaica, pp. 1–3.
- ⁷⁴ UNDP, Jamaica Debt Exchange Frees Resources for Human Development, available at http://www.undp.org/poverty/projects_jamaica-debt-exchange.shtml.
- ⁷⁵ *Official Records of the General Assembly, Sixty-fourth session, Supplement No. 40 (A/64/40), Vol.I, p. 144.*
- ⁷⁶ UNHCR submission to the UPR on Jamaica, p. 3.
- ⁷⁷ A/HRC/16/52/Add.3, para. 77(k).
- ⁷⁸ UNHCR submission to the UPR on Jamaica, p. 4.
- ⁷⁹ A/HRC/16/52/Add.3, para. 78.
-