



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of Jamaica*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate the time frame for and the progress made in the establishment of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the necessary adequate financial and human resources.
2. Please provide information on the existence or development of a permanent institutionalized mechanism or body to coordinate government engagement with the international and regional human rights mechanisms aimed at implementing recommendations and reporting thereon.
3. Further to the request of the Ministry of Justice to include human rights training, including on the Covenant, in the training schedule with respect to continuing legal professional development, please provide information about how this has had an impact on the way in which the domestic courts have given effect to the Covenant in their considerations and judgments (see State party report (CCPR/C/JAM/4), para. 67).
4. Given that Jamaica withdrew from the Optional Protocol to the Covenant and that it has stated that is unable to reaccede, please indicate what measures have been taken to ensure that individuals who allege that their human rights under the Covenant have been violated have access to an effective remedy (see State party report, para. 70).

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

5. Please inform the Committee of the measures that have been put in place to promote the inclusion of persons with disabilities. Please provide information on the status of implementation of the Disabilities Act, 2014 and the number of cases that the Jamaica Council for Persons with Disabilities has taken to date.
6. Please indicate steps taken to amend the laws to prohibit discrimination on the basis of sex, sexual orientation and gender identity and decriminalize sexual relations between consenting adults of the same sex. Please provide information on the specific outcome of the Diversity Policy developed by the Jamaica Constabulary Force (see State party report,

* Adopted by the Committee at its 116th session (7-31 March 2016).



paras. 73-79) and what steps will be taken to prevent acts of violence and hate crimes that reportedly occur against the lesbian, gay, bisexual and transgender population. Please indicate what has been done to put an end to incitement to violence and mob violence against that population. In line with the Committee's previous concluding observations, please indicate the steps taken to investigate reported cases of harassment, discrimination or violence against persons on the basis of the person's sexual orientation and gender identity in the fields of health, education, employment and housing (see CCPR/C/JAM/CO/3, para 8).

7. Please provide information on the implementation of the National Workplace Policy on HIV/AIDS and the progress made on the National Integrated Strategic Plan for Sexual Health and HIV, which, inter alia, aims to reduce stigma and discrimination. Please provide information about steps to pass the Occupational Health and Safety Act to prevent discrimination against HIV-positive persons in the workplace (see State party report, para. 81). Please provide information about the impact of the National HIV-Related Discrimination Reporting and Redress System, including data on the number of cases successfully handled by the System (see State party report, para. 82).

8. Please provide information on the results of efforts to change entrenched stereotypical attitudes with regard to traditional gender roles and to increase the number of women in decision-making positions in the public and private sectors through the implementation of new practical initiatives. Please provide information on any temporary special measures that the State party has implemented in order to give effect to the provisions of the Covenant (see State party report, para. 108).

Violence against women, including domestic violence (arts. 2, 3, 6 and 26)

9. Please provide information on the status of the comprehensive legislation to prevent and address sexual harassment. Further to the efforts to combat gender-based violence and gender discrimination, please provide information about the impact of such policies (see State party report, paras. 131-137). Please provide information about the level of training of the staff in the Victim Support Unit, the police, and the existence of adequate shelters for victims of gender-based violence, including domestic violence. Please provide information on investigations and prosecutions into cases of violent and deliberate killing of women (femicide/feminicide) and clarify whether such acts are criminalized in the Penal Code.

Sexual and reproductive rights, maternal mortality and abortion (arts. 6 and 17)

10. Please provide information on the progress in and results of any review of legislation that may have been conducted in relation to sexual and reproductive rights, maternal mortality and abortion. What steps have been taken to articulate a policy for safe reproductive health-care services? Has the State party considered reviewing and amending, as necessary, the country's abortion laws? Please indicate what steps have been taken to ensure that reproductive health services are available and accessible to all women and girls in the light of the previous concluding observations (see CCPR/C/JAM/CO/3, para. 14).

State of emergency, extrajudicial killings and investigations (arts. 2, 4 and 6)

11. Please provide information on the mandate and work, including any conclusions or recommendations, of the National Commission of Inquiry, which started its work in 2014 with the aim of investigating the circumstances surrounding the state of emergency of May 2010 relating to the incidents in West Kingston/Tivoli Gardens. Please indicate any steps taken to dismantle the garrison structures with a view to improving the security situation.

12. Please also provide information on the level of resources allocated to, and the mandate of, the Independent Commission of Investigations (INDECOM) set up to carry

out independent and effective investigations into alleged cases of extrajudicial killings and assaults by law enforcement personnel. Please provide information about the outcome of its work. Please provide information on the status of the review conducted by the Joint Select Committee of Parliament in 2015 of the Independent Commission of Investigations Act.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

13. Please provide information on the results of the measures taken to improve the treatment of persons deprived of liberty, in particular steps taken to lower overcrowding in places of detention. Please provide information on the outcome of the review of the detention system carried out by the subcommittee led by the Minister of National Security and the Minister of Justice (see State party report, para. 161). Please provide information on the implementation of the measures outlined in the Administration Policy for Persons Deprived of Liberty. Please also provide information on the use of alternative non-custodial sentences used to alleviate the problem of overcrowding in prisons (ibid., para. 172).

14. Please indicate the number of cases successfully brought before the courts under anti-torture provisions in domestic law such as those within the framework of the Constitution, and steps taken to define torture as a separate offence in the criminal legislation to comply with article 7 of the Covenant. Please also provide information on any results stemming from the implementation of the memorandum of understanding between the Office of the Public Defender and the Jamaica Constabulary Force which sets out a framework to reduce some of the delays in the investigation of constitutional breaches by members of the Force.

15. Please provide information on the number of persons currently on death row and details of their sentences. Please respond to reports that the conditions of those on death row remain inhumane. Please provide details on any procedures for commuting sentences from death row to life terms for persons already sentenced. Please also provide information on any steps taken to ratify the Second Optional Protocol to the Covenant.

Protection against trafficking (art. 8)

16. Please provide information on the results of the work of the National Rapporteur on Trafficking in Persons since the establishment of the mandate in March 2015. Please indicate the number of persons who have been prosecuted for trafficking of persons under the Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007. Please provide information on how victims of trafficking who may be in need of international protection are provided with an opportunity to seek asylum and enjoy the corresponding rights and services.

Right to an effective remedy and fair trial (arts. 2, 6 and 14)

17. Please provide information about the impact of the efforts made to implement the Government's Justice Reform Agenda aimed at addressing the reported backlog of cases, the reform of the justice system, including its resource constraints, and the enhancement of access to an effective legal remedy (see State party report, paras. 173-178). To what extent have the projects, pilot programmes and provision of pro-bono legal services had a positive effect on the enhancement of speedy and fair trials? Please provide information on steps to amend the Legal Aid Act.

18. Please provide information on the number of inquests made by the Coroner's Court in addressing issues of excessive use of force by law enforcement personnel and specify the number of prosecutions carried out by the Director of Public Prosecutions concerning extrajudicial killings since the previous review by the Committee in 2011.

Rights of the child (arts. 9, 10, 14 and 24)

19. Further to the current review and revision of the Child Care and Protection Act (see State party report, para. 182), please provide information on the time frame for its amendment, in particular its paragraph 24, which would remove the possibility of incarcerating a child on the basis of being beyond parental control. Please provide information about the number of persons that have been issued correctional orders under paragraph 24 of the Act over the past two years.

20. Please provide information on steps that have been introduced to remove minors from police lock-ups and to provide alternative arrangements to detention in line with the Covenant. Please provide disaggregated data on the number of children detained in police lock-ups. Please provide information on the status of the Child Diversion Policy and its implementation.

21. Please provide information about the framework for implementation of the recommendations of the Keating Report on reform of children's homes and places of safety that have not yet been implemented, but have been earmarked for future implementation (see State party report, para. 179). Please also provide information on the steps taken to compensate all the families of the victims of the fire at the Armadale Juvenile Correctional Centre. In this respect, please provide details as to the number of cases for which the Government has accepted liability (*ibid.*, para. 186).

22. Please indicate the impact of the safe school policy on the promotion of non-violent forms of discipline as alternatives to corporal punishment (see State party report, para. 141). What steps are being taken to prohibit corporal punishment of minors in educational institutions and family settings?

Freedom of expression and human rights defenders (arts. 6, 19 and 22)

23. Please provide information on the steps taken to improve national implementation of the Access to Information Act, including on training of officials and national awareness-raising efforts.

24. Please provide information on the status of the efforts to regulate civil society organizations, including non-governmental organizations (NGOs) on human rights, including a framework governing their financial reporting. Please also indicate what the practice has been regarding the implementation of the Charities Act, 2013, in particular in relation to the registration of human rights NGOs whose focus is to undertake advocacy work. Please indicate if investigations have been taken place into incitement to threats, harassment and attacks against human rights defenders.

Non-discrimination and rights of persons belonging to ethnic, religious or linguistic minorities (arts. 2 and 26)

25. Please provide information on whether domestic legislation for the protection of refugees has been enacted, and detail the number of registered refugees in Jamaica. Please inform the Committee of the measures taken with regard to preventing statelessness by amending discretionary provisions of the Jamaican Nationality Act and reducing the costs associated with naturalization procedures, so that they may become accessible to refugees in Jamaica who meet the "length of stay" requirement in line with the Committee's general comment No. 17 (1989) on the rights of the child. Please provide the Committee with information concerning the access of unaccompanied minors to the refugee status determination procedure.

26. Please provide information about legislative and other steps taken to remedy discrimination against, and address inequalities faced by, minorities such as Maroons and Rastafarians.

Dissemination of information relating to the Covenant (art. 2)

27. Please provide information on the steps taken to disseminate the Covenant, the text of the third periodic report of the State party and the concluding observations, in order to increase awareness among the judiciary, legal and administrative authorities, as well as law enforcement officials, lawyers and academics. Please also provide information on the involvement of representatives of civil society and NGOs in the preparation of the fourth report (see CCPR/C/JAM/CO/3, para 26).
