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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

JAMAICA

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Jamaica on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.28) at its 73rd meeting, held on 21 November 2001 (E/C.12/2001/SR.73), and adopted, at its 85th meeting, held on 29 November 2001 (E/C.12/2001/SR.85), the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report by the State party but regrets the absence of a delegation from the State party during the Committee's consideration of the report. A constructive dialogue with the State party's delegation would have enabled the Committee to better understand the social and economic processes in the country and their impact on the realization of economic, social and cultural rights. The Committee also regrets that the State party did not submit written replies to the Committee's list of issues.

B. Positive aspects

3. The Committee takes note of the efforts of the State party to create national action plans for women, and the legislative and administrative measures it has adopted to improve the status of women in Jamaica.
4. The Committee notes that the memorandum of understanding of September 2000 between the ILO and the State party has provided the financial and technical means to enable the State party to pursue vigorously pursue programmes to combat the worst forms of child labour.

C. Factors and difficulties impeding the implementation of the Covenant

5. The consequences of the financial crisis of 1995-1996, inflation, and the increasing cost of servicing a public debt that exceeded 140 per cent of the country's GDP in March 2000 have seriously affected the capacity of the State party to implement the Covenant.
6. The Committee notes that the persistence of certain traditions and cultural attitudes in Jamaica are serious impediments to the full enjoyment by women, girls and boys of their rights under the Covenant.
7. A pervading "culture of violence" in the State party has created a climate that is not conducive to the enjoyment of economic, social and cultural rights by members of Jamaican society, particularly women and children.

D. Principal subjects of concern

8. The Committee expresses its concern that section 24 (3) of chapter III of the Constitution does not include "sex" among the legally prohibited grounds for discrimination. The Committee is also concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as section 6 (1) of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption) Act allowing for adoption of female children by males only under specially justified circumstances.
9. The Committee notes with concern the disproportion in the levels of unemployment of women: 33,600 women are unemployed as against 11,000 men. Furthermore, the Committee is concerned that 75 per cent of the unemployed reported that they have no recognized educational or vocational qualifications, thus diminishing their chances for employment.
10. The Committee is concerned that the social security scheme of the State party does not provide for universal coverage and that it excludes a considerable portion of the disadvantaged and marginalized groups in society, including older persons, single parents and persons with disabilities. The Committee expresses particular concern about the declining expenditure on social security and that the system does not sufficiently address the needs of a rapidly aging population.

11. The Committee expresses its concern about the persistence of child labour, particularly in the informal sector. Furthermore, the Committee is concerned that the minimum low working age of 12 years is not adhered to in practice.

12. The Committee expresses its concern about the situation of boys in the State party, where serious problems exist such as increasing rates of school drop-out, juvenile criminality and delinquency, a high suicide rate, drug addiction and unemployment among the youth.

13. The Committee is deeply concerned about the lack of laws, policies or programmes to address explicitly the proliferation of sex tourism and its consequences which include the sexual exploitation and prostitution of women and children and the spread of sexually transmitted diseases. In particular, the Committee is alarmed that school drop-out rates have increased as young girls are induced to leave school to enter the sex trade, sometimes even with the consent and encouragement of parents who benefit from their earnings.

14. The Committee is profoundly concerned about the violence that has apparently become widespread in the State party. It is reported that over 1,000 people have been murdered in the year 2001 alone and that "tribal" politics is such that warlords rule large sections of the capital city where they are involved in extortion, drugs and prostitution. The Committee is particularly concerned that violence - including domestic and sexual violence - is committed against women of all ages and against children. According to reports from non-governmental organizations, children are regularly flogged and even threatened with weapons and child-rearing practices include corporal punishment of children in the home and in schools. The fact that these acts are committed with impunity constitutes a serious violation by the State party of its Covenant obligations.

15. The Committee is concerned that more than one third of the population lives in poverty despite measures taken by the State party, such as the implementation of a National Poverty Eradication Programme. The Committee has received reports from Jamaican NGOs that poverty rates are highest among women, particularly women who head single-parent households. The reports also state that while the State party has undertaken significant steps to improve the housing situation, thousands of Jamaicans continue to live in deplorable conditions in wooden and tin shacks with no running water or electricity. The Committee also expresses special concern for rural farmers who, allegedly owing to free trade agreements, are unable to compete with prices of cheaper imported foods on local markets, which has eroded their ability to provide for their families.

16. The Committee is alarmed that, according to information received from United Nations organizations, HIV/AIDS is currently the leading cause of death among men and women in the 15-44 age group. The Committee is particularly concerned that the overall mortality rate for persons infected with HIV/AIDS is 60 per cent, largely because they do not have access to affordable medicines, treatment and care. The Committee is also concerned that the prevalence of HIV infection among girls in their late teens is twice that of older women according to UNAIDS, which attributes this phenomenon to young women participating in the sex tourism trade.

17. The Committee is concerned about the health of adolescents in the State party, who are at high risk of many diseases, in particular those related to sexual and reproductive health. The Committee also notes with concern the rising incidence of teenage pregnancies, leading to higher mortality rates related to abortion of unwanted pregnancies and to higher drop-out rates for girls who leave school to take care of their babies.

18. The Committee is also concerned that clandestine abortion is the cause of a large number of deaths due to infections and complications from procedures performed under unsanitary conditions by untrained personnel and that it is one of the leading factors in the high maternal mortality rate in the State party.

19. The Committee expresses particular concern about the inadequate level of State expenditure on education, accompanied by a decline in the quality of education. It is reported that recent statistics from the State party show that 40 per cent of children who complete primary education can “neither read nor write”.

E. Suggestions and recommendations

20. The Committee recommends that the State party take steps to amend section 24 (3) of chapter III of the Constitution to include constitutional prohibition of discrimination on the grounds of sex. The Committee further recommends that the State party consider amending the Acts enumerated in paragraph 8 above and other legal measures that are discriminatory to men as well as women.

21. The Committee urges the State party to implement without further delay the National Policy Action Statement on Women, which was accepted by Cabinet in 1987 with a view to providing the means to mainstream gender into all government ministries and their policies. The Committee requests the State party to include information in its third periodic report on progress made under the National Policy Action Statement on Women.

22. The Committee recommends that the State party provide proper vocational training and education for men and women in order to enhance their employment opportunities, and formulate work creation strategies and policies aimed specifically at women in the labour force.

23. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2 (1) of the Covenant.

24. The Committee recommends that the State party continue as a matter of priority the implementation of its September 2000 memorandum of understanding with ILO, and requests that the State party in its third periodic report provide detailed information on the measures taken

and the progress achieved in this regard. The Committee particularly urges the State party to review the minimum working age, with a view to increasing it, and to endeavour to enforce the minimum age more rigorously. The Committee also urges the State party to ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

25. The Committee requests the State party in its third periodic report to provide detailed information, including comparable statistics over time, on the situation of boys and the measures it has undertaken to address the problems enumerated in paragraph 12 above.

26. The Committee recommends that the State party undertake urgently legislative and administrative measures to prohibit and penalize sex tourism and the exploitation of women and children in this regard.

27. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that in undertaking measures to combat violence, respect for human dignity and protection of human rights must be ensured at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children.

28. The Committee requests the State party to provide in its third periodic report detailed information, including comparative statistical data over time disaggregated on the basis of sex, age and urban/rural areas, on the extent of poverty in the country. The Committee also requests information on the measures taken to address the problem of poverty with regard to different groups in society, especially the more disadvantaged and marginalized groups, as well as information on the results of such measures. The Committee refers the State party to the statement adopted by the Committee on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

29. The Committee strongly requests the State party to provide information in its third periodic report on the situation of HIV/AIDS in Jamaica, the legislative and administrative measures taken by the State party to address the multiple dimensions of the epidemic - prevention programmes, access to medicines, treatment and care, as well as measures to protect the population from the disease - and on the results of such measures.

30. The Committee urges the State party to ensure the provision of education on sexual and reproductive health, and to facilitate access to contraceptives by adolescents where appropriate. The Committee recommends the establishment of benchmarks in this respect, on the basis of comparative data to be discussed in the next periodic report, and refers the State party to paragraphs 57 and 58 of its general comment No. 14 on the right to health.

31. The Committee requests the State party in its next periodic report to provide detailed information based on comparative data about the problem of abortion in Jamaica and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

32. The Committee urges the State party to take immediate steps to address the declining quality of education, including by seeking assistance from UNESCO in this regard. The Committee refers the State party to its general comment No. 13 on the right to education.

33. The Committee requests the State party to disseminate these concluding observations widely among all levels of society, including among government agencies and the judiciary.

34. The Committee requests the State party to submit its third periodic report by 30 June 2003, and to include in this report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations. The State party is particularly requested to take into consideration during the preparation of its third periodic report the list of issues of the Committee, which was sent to the State party in May 2001 (E/C.12/Q/JAM/1).
