



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Fifty-second session

New York, 9-27 July 2012

### List of issues and questions with regard to the consideration of periodic reports

#### Jamaica

The pre-session working group examined the report of Jamaica, consisting of its combined sixth and seventh periodic reports (CEDAW/C/JAM/6-7).

#### General

1. Please provide information on the process of preparing the State party's report, in particular with respect to the nature and extent of consultations with non-governmental organizations (NGOs). Please also indicate whether the report was submitted to Parliament and adopted by the Government.

#### Legal status of the Convention on the Elimination of All Forms of Discrimination against Women and legislative and institutional framework

2. Please indicate whether the State party plans to amend the non-discrimination provision in the Charter of Fundamental Rights and Freedoms (CEDAW/C/JAM/6-7, paras. 64 and 65), with a view to including sex (rather than "being male or female") as a prohibited ground of discrimination and defining discrimination on the basis of sex in line with article 1 of the Convention and extending to acts of both public and private actors, in accordance with article 2 of the Convention, as requested in the Committee's previous concluding observations (CEDAW/C/JAM/CO/5, para. 20).

3. Please provide concrete examples of measures taken to provide systematic training to judges, lawyers and public prosecutors on the application of national legislation in conformity with the Convention (CEDAW/C/JAM/6-7, para. 22) and in line with the Committee's general recommendations. Please also provide examples of court cases where provisions of the Convention have been invoked by individuals, as requested in the Committee's previous concluding observations (CEDAW/C/JAM/CO/5, para. 24).



**National machinery**

4. Please indicate the current number of staff and the annual budget of the Bureau for Women's Affairs (CEDAW/C/JAM/6-7, paras. 43 and 53) and whether those resources are adequate in the light of the Bureau's broad mandate. Please also indicate the measures taken to ensure that the Bureau complements rather than duplicates the activities of women's NGOs.

**Temporary special measures**

5. Please provide information on measures taken to promote the understanding and use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), as recommended in the Committee's previous concluding observations (CEDAW/C/JAM/CO/5, para. 28). Please also provide information on the impact of the measures referred to in paragraphs 86 to 88 of the report, as well as additional examples of temporary special measures taken by the State party since 2007 to promote and accelerate de facto or substantive equality of women and men in areas other than employment.

**Traditional stereotypes**

6. Please provide information on concrete measures such as specific campaigns, initiatives and projects that have been adopted by the State party to eliminate discriminatory attitudes condoning violence against women and traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society, including negative images of women in the media (CEDAW/C/JAM/6-7, paras. 161 to 165). In that regard, please describe the impact of the Vision 2030 National Development Plan (*ibid.*, para. 44) and the progress achieved in developing and implementing an anti-discrimination public education campaign (*ibid.*, 160).

**Violence against women**

7. Please indicate whether domestic violence is subject to ex officio prosecution (*ibid.*, para. 124) and provide updated information on the number of complaints (*ibid.*, paras. 175 and 180), prosecutions and convictions and on the sentences imposed in cases of domestic violence. Please also provide data disaggregated by sex and age of victims and perpetrators. Please indicate the number of women killed per year by their husbands, intimate partners or ex-husbands since 2007.

8. Please provide additional information on the efforts made by the State party to establish and adequately fund shelters for women and girl victims of domestic violence (*ibid.*, para. 107), including in rural areas, and on the amount of State funding provided to NGOs offering shelter and legal, social and psychological assistance to such victims. Please include information on the services being provided by the Victims Support Unit of the Ministry of National Security and the extent to which interrogation and investigation methods applied in domestic and sexual violence cases are gender-sensitive (*ibid.*, paras. 181 to 183).

9. Please provide data on the number of reported cases of rape and prosecutions and on the sentences imposed on perpetrators since 2007. Please explain why marital rape is punishable only in a limited number of circumstances under the

Sexual Offences Act, 2009 (ibid., paras. 70, 129 and 178), namely, when the spouses are separated; divorce proceedings are pending; a restraint order has been issued against the husband; or the husband knowingly suffers from a sexually transmitted infection. Please clarify whether the safeguard clause in Section 13 (2) of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011 (ibid., paras. 64 to 66 and 114) has the effect of precluding any amendments to the Sexual Offences Act.

### **Trafficking and exploitation of prostitution of women and girls**

10. Please provide data disaggregated by sex, age and nationality on the number of reported cases of trafficking in persons, prosecutions and convictions and on the sentences imposed on perpetrators since 2008. Please also provide detailed information on the measures taken to address widespread prostitution in the State party (ibid., para. 191).

11. Please provide information on the progress achieved by the State party in establishing a shelter for victims of trafficking in persons, in particular women and girls. Please provide information on the measures in place in terms of protection, prevention and assistance, including rehabilitation and counselling services, for victims of trafficking, whether such services are State-funded, and whether NGOs providing support to victims of trafficking receive adequate funding from the State party. Please also provide information on the mandate, resources and annual budget of the National Task Force against Trafficking in Persons (ibid., paras. 172 and 173).

### **Participation in political and public life and decision-making**

12. In the light of the low number of women in Parliament and the Senate, women Ministers and women in leadership positions in the public service (ibid., paras. 195, 196 and 198), please explain why no significant progress has been made in establishing quotas for women's participation in political and public life (ibid., paras. 90 and 197).

### **Education**

13. Please indicate whether the State party is undertaking any research to explore the causes of the higher drop-out and repetition rates of girls compared to boys between grades 7 and 8 and 12 and 13 and whether it is exploring measures to address the discrepancy (ibid., paras. 248 and 249).

14. Please provide information on the impact of the measures taken by the State party to promote the diversification of educational choices (ibid., para. 95) by encouraging women and men and girls and boys to choose non-traditional fields of education and training. Please provide updated statistical information in that regard (ibid., para. 237), including with respect to women's participation in technical and vocational education and training.

### **Employment**

15. Please provide additional information on the measures taken to address the low participation of women in the labour market, their high unemployment rate compared to that of men, and the horizontal and vertical segregation in the labour market, where women are concentrated in low-paid jobs and underrepresented in

managerial positions, in particular in the private sector (ibid., paras. 9, 74, 255, 256 and 266 to 269).

16. In the light of the unequal distribution of family responsibilities (ibid., para. 262), please indicate:

(a) The progress made in introducing flexible work arrangements to facilitate the reconciliation of work and family responsibilities (ibid., paras. 258 and 261) and whether such arrangements are also available to fathers;

(b) Whether the State party is planning to introduce special non-transferable paternity leave or parental leave that can be shared between the mother and the father.

17. Please indicate the progress made by the State party in adopting legislation prohibiting sexual harassment in the workplace (ibid., paras. 76, 115 and 139).

### **Health**

18. Please provide information on the measures taken to reduce the high rate of teenage pregnancies, including by providing affordable access to contraceptives and by introducing education on sexual and reproductive health and rights in school curriculums (ibid., paras. 93, 272, 284 and 291), and to ensure that all women and girls have adequate access to sexual and reproductive health services (ibid., paras. 101, 103, 277 and 278), including women in rural areas and disabled women and girls. Please also indicate whether the State party is considering amending Sections 72 and 73 of the Offences against the Person Act, with a view to decriminalizing abortion in certain cases and enabling women to avoid unwanted pregnancies without resorting to unsafe abortions (ibid., paras. 102 and 281).

19. Please provide updated information on the impact of the measures taken by the State party to combat HIV/AIDS (ibid., paras. 283 to 291).

### **Disadvantaged groups of women**

20. Please clarify whether the State party has suspended the forcible return of Haitian refugees, including women and girls, and whether effective mechanisms are in place to ensure the identification of women and girls with special needs or particular vulnerabilities, such as pregnant or lactating women, unaccompanied children, older women and young single women at heightened risk of sexual exploitation, and to mitigate the protection risks or humanitarian needs of those refugees prior to any forcible returns.

### **Marriage and family relations**

21. Please explain why the State party has not implemented the Committee's recommendation to raise without delay the minimum age of marriage to 18 years for both girls and boys (CEDAW/C/JAM/CO/5, para. 40).