



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Jamaica

1. The Committee considered the fifth periodic report of Jamaica (CEDAW/C/JAM/5) at its 745th and 746th meetings, on 11 August 2006 (see CEDAW/C/SR.745 and 746). The Committee's list of issues and questions is contained in CEDAW/C/JAM/Q/5 and Jamaica's responses are contained in CEDAW/C/JAM/Q/5/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its fifth periodic report, which followed the Committee's guidelines for preparation of periodic reports, while noting that it does not refer to the Committee's general recommendations and lacks sufficient data disaggregated by sex. The Committee also expresses appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

3. The Committee expresses its appreciation for the frank and constructive dialogue that was held between the members of the Committee and the delegation, which updated developments in the State party since the submission of its report in 2004 and took into account the Committee's previous concluding comments, and which further clarified the present status of implementation of the Convention.

4. The Committee notes the State party's recognition of the role played by a number of non-governmental organizations and community-based women's organizations in the country, which assist the State party in its efforts to eliminate all forms of discrimination against women.



Positive aspects

5. The Committee commends the State party for its commitment at the highest level to accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and welcomes the time frame for ratification as indicated by the delegation.

6. The Committee commends the State party for the 2004 amendment to the Domestic Violence Act, and the passage of the 2004 Property (Rights of Spouses) Act and the 2005 Maintenance Act. It further recognizes the passage of the 2004 Child Care and Protection Act and the ratification, in December 2005, of the Convention of Belém do Pará, the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

7. The Committee welcomes the establishment of the National Gender Advisory Committee in 2004, with broad-based representation of Government ministries and agencies, non-governmental organizations, academics, rural women and youth, and which has an advisory function to the Government. It commends the National Gender Advisory Committee on the development of a National Gender Policy.

8. The Committee commends the State party for its achievements in the field of girls' education.

9. The Committee commends the State party for its demonstrated reduction in maternal mortality, which fell from 111:100,000 in 2000 to 95:100,000 in 2005, and welcomes the formation of a National Mortality Review Commission.

Principal areas of concern and recommendations

10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

11. The Committee is concerned at the lack of, or limited availability of, data disaggregated by sex in a number of areas of the Convention, which is necessary for targeted policymaking, as well as the lack of, or limited availability of, the systematic monitoring and evaluation of progress achieved towards women's de facto equality and the accurate assessment of the situation of women and trends over time, with regard to all areas covered by the Convention.

12. The Committee calls on the State party to give priority to the systematic collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality, and calls its attention to general recommendation 9 in this regard. The Committee invites the State party, as necessary, to seek international assistance for the development of such data collection and

analysis efforts, including through its National Statistical Services, and ensure that such efforts are informed by the needs of users of data. The Committee requests that statistical data and analysis, disaggregated by sex and rural and urban areas, indicating the impact of measures and results achieved, be included in its next periodic report.

13. The Committee remains deeply concerned about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, which are discriminatory of women. The persistence of such values underpins discrimination against women in many spheres, and condones gender-based violence and promiscuous behaviour by men. The Committee regrets that no sustained, systematic action has yet been taken by the State party to modify or eliminate stereotypes and negative cultural values and practices that discriminate against women and prevent them from enjoying their human rights and continue to constitute a severe obstacle to the full implementation of the Convention.

14. The Committee urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in coordination with a wide range of stakeholders, and in all sectors of society, with a view to creating an enabling environment to transform and change stereotypes and discriminatory cultural values and practices, and ensuring that women can enjoy all their rights under the Convention. It also urges the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals.

15. The Committee notes with grave concern the extent, intensity and prevalence of violence against women, especially sexual violence, in Jamaica. It is concerned that the inadequacy of response of the legal system, the persistence of stereotypes that devalue women, insufficient training of criminal justice personnel, and the lack of enforcement measures designed to combat violence against women have contributed to a de facto culture of impunity, constituting an obstacle for women's access to justice. The Committee, while noting that the State party has made some efforts to address such violence against women, including the passage of the amendment to the Domestic Violence Act and the ratification of the Convention of Belém do Pará, remains concerned that so far, the problem has not been addressed in a holistic and systematic manner, and that measures designed to combat and eradicate all forms of violence against women are not enforced in practice. The Committee is also concerned that the prevailing gender stereotypes and patriarchal culture and macho image of men may be contributing factors to the levels of violence against women. The Committee is concerned about insufficient means of judicial recourse for victims, and a lack of victim services and protection, and of effective punishment of perpetrators of such violence.

16. The Committee urges the State party to give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate violence against women, in conformity with general recommendation 19 to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of,

in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws, and the priority passage and implementation of pending laws. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes with its efforts to combat violence against women. It further calls on the State party to 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. It encourages the State party to provide information on progress achieved and remaining obstacles encountered in its next periodic report. The Committee further recommends that the State party extend an invitation to the Special Rapporteur on violence against women, its causes and consequences, who may assist the Government in effectively addressing the situation, in addition to continuing to work with partners in the United Nations system and other international, regional and subregional organizations.

17. The Committee notes with concern that the national machinery for the advancement of women may not have the capacity and authority to coordinate the effective implementation of the Convention, and of a comprehensive gender mainstreaming strategy in Jamaica. While noting the establishment of the National Gender Advisory Committee, tasked with the formulation of a National Gender Policy, the Committee is concerned at the slow pace of its formulation and adoption. It is also concerned about the limited results in the use of the gender mainstreaming strategy, although a directive to that end was issued by the Cabinet Office already in 1996.

18. The Committee calls on the State party to prioritize the strengthening of the national machinery and to provide it with the necessary human and financial resources, authority and political and organizational mandate necessary to serve as a catalyst and to coordinate the implementation of the Convention and effective use of the gender mainstreaming strategy across all line ministries and sectors. It further calls for the expeditious completion of proposals concerning the necessary institutional arrangements, tools and implementation plan for the recently-developed National Gender Policy, and to proceed with their practical application without delay. It also urges the State party to monitor systematically the impact of its gender mainstreaming efforts, and to report to the Committee in its next report on results achieved, obstacles encountered and steps taken to overcome such obstacles.

19. While welcoming that the proposed amendment to the Constitution introducing a Charter of Rights and Freedoms will also prohibit discrimination on the ground of sex in its Section 13 (3) (i) (i), the Committee is concerned that this amendment does not seem to encompass a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2. The Committee also regrets the extensive delays in the passage of the proposed Charter of Rights and Freedoms (Constitutional Amendment) Bill which will amend the anti-discrimination provision in the current Constitution.

20. **The Committee calls on the State party to take all necessary steps to work with Parliament in ensuring the speedy adoption of the Charter of Rights and Freedoms Bill. It also encourages the State party to fully incorporate, in appropriate subsequent national implementing legislation, a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extending to acts of discrimination by public and private actors in accordance with article 2. The Committee invites the State party to fully utilize the ongoing legal review process to ensure that such an incorporation of the Convention's definition of discrimination is achieved as expeditiously as possible.**

21. While noting the recent passage of the amendment of the Domestic Violence Act, the Property Act and the Maintenance Act, the Committee remains concerned about extensive delays amounting to more than 15 years in, and the lack of priority afforded to legal reforms to eliminate discriminatory provisions, close legislative gaps and enact laws to bring the country's legal framework fully into compliance with the provisions of the Convention. The Committee notes, in particular, the delay in passage of the Bill to Amend the Offences Against the Person Act 1864, amendments to the Incest (Punishment of) Act 1948 and Employment (Equal Pay for Men and Women) Act 1975, and the absence of legislation regarding sexual harassment.

22. **The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay in accordance with article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country's legal framework fully into compliance with the provisions of the Convention. It encourages the State party to set a clear timetable and to raise awareness of legislators and to engage in a campaign to raise the awareness of the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women.**

23. The Committee is concerned that the Convention has not yet been utilized in the courts. The Committee is also concerned that the judiciary may not be sufficiently aware of the Convention and the State party's obligations thereunder.

24. **The Committee calls upon the State party to ensure that the Convention, and the obligation to interpret domestic legislation within the framework of the Convention, are made an integral part of the education and training of the legal profession, including judges, lawyers and public prosecutors. The Committee requests the State party to provide information on whether the Convention has been invoked before domestic courts in its next periodic report.**

25. The Committee is concerned about women's access to justice and the enforcement of their rights under the Convention, and obtain redress in the courts, as provided for under article 2 (c). It notes that women's access to justice is restricted by the fact that legal aid is not available to victims of discrimination or gender-based violence, and that the legal culture is not supportive of women's equality and non-discrimination.

26. **The Committee calls upon the State party to ensure that gender sensitivity be made an integral part of the education and training of judicial officers, including judges, lawyers, prosecutors and legal aid counsellors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It invites the State party to enhance women's**

awareness of their rights through legal literacy programmes and to expand legal assistance to women wishing to bring claims of discrimination or other matters pertaining to equality, including civil and family law matters. It also encourages the State party to continue efforts to widely disseminate and raise awareness about the Convention, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality. The Committee requests that the State party report on progress made in this regard in its next periodic report.

27. The Committee is concerned that apparently no temporary special measures have been put in place by the State party to accelerate the achievement of de facto equality of women and men, as provided for in article 4, paragraph 1, of the Convention, and that the Government lacks a clear understanding of the purpose of, and need for, temporary special measures provided for under the Convention.

28. The Committee reiterates its recommendation made in its previous concluding comments to the State party¹ regarding the understanding and use of temporary special measures, and urges the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 as a necessary means for accelerated realization of women's de facto equality. It requests that the Government include information on the use of such temporary special measures, in relation to the various provisions of the Convention, in its next periodic report.

29. While welcoming the fact that Jamaica is governed by its first female Prime Minister, the Committee is 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, including prevailing social and cultural attitudes.

30. The Committee urges the State party to take concrete measures to accelerate the increase in the representation of women in all branches and levels of Government, in accordance with article 7 of the Convention and its general recommendation 23 on women in political and public life. This should include the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, such as the establishment of concrete goals and timetables. The Committee welcomes the current Parliamentary resolution on the establishment of quotas, prepared in conjunction with the Bureau of Women's Affairs, and encourages its full consideration. The Committee also encourages the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels. The Committee invites the State party to monitor carefully the impact of measures taken and the results achieved, and to report thereon in its next periodic report.

31. While the Committee commends the State party on its achievements in the field of girls' and women's education, it is concerned with the persistence of structural barriers such as de facto gender-based segregation in the field of

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38 (A/56/38)*, part I, paras. 219 and 220.

education, including the practice of cross-timetabling, or conflicting class schedules that effectively prevent girls from pursuing courses of study traditionally offered to boys, and its consequences for women's opportunities in the labour market. It is also concerned with the persistence of gender-based stereotypes in textbooks, school curricula and teaching methods that reinforce discriminatory attitudes against women in society.

32. The Committee calls on the State party to strengthen implementation of its efforts to tackle, through the education system, the structural causes of the persistent discriminatory attitudes against women. It calls on the State party to overcome expeditiously the de facto segregation in the education system, and to actively encourage the diversification of educational and professional choices for women and men and offer incentives for young women to enter traditionally male dominated fields of study. The Committee calls on the State party to set a clear time frame for the introduction of gender-sensitive educational curricula and teaching methods that address the structural and cultural causes of discrimination against women, and to incorporate sensitization training for teachers both pre- and in-service. It also invites the State party to monitor systematically the impact of measures taken in relation to stated goals and to take corrective measures whenever necessary.

33. The Committee is concerned that, despite high educational qualifications, women continue to be underpaid and underemployed, and face horizontal and vertical sex segregation in the labour market. The Committee is also concerned about the lack of legislation prohibiting sexual harassment in the workplace, and the vulnerable situation of domestic workers who are entitled to receive maternity benefits under the National Insurance Scheme.

34. The Committee encourages the State party to undertake the collection of data on the labour market, detailed by sector and disaggregated by sex, and to analyse the lack of correlation between the high level of education attained by women and their situation in the workplace, and to take measures to create an enabling environment for women to attain high-level and well paid positions. It calls on the State party to enact without delay legislation prohibiting sexual harassment in the workplace and to pass the amendment to the Women (Equal Pay for Men and Women) Act, and to monitor the de facto situation of women in the workplace, including the receipt of maternity benefits by domestic workers under the National Insurance Scheme.

35. The Committee notes with concern the lack of data regarding women's access to primary and secondary health care, and is concerned, given the lack of empirical evidence, that there may be inadequate attention paid to the differential and specific needs of women beyond obstetric and reproductive health. The Committee also notes with concern the lack of data regarding the effectiveness and knowledge of policies promoting adolescents' access to and delivery of family planning and contraceptives in light of the persistent high rates of teenage pregnancy, many of which may result in unsafe abortion. Noting that abortion is one of the five leading causes of maternal mortality, and noting the existence of the 1975 Ministry of Health policy on abortion, it is concerned that the policy is not widely known or implemented, and services for the provision of safe abortions may not be available. While the Committee commends the State party on its work with the Joint United Nations Programme on HIV/AIDS and other international agencies in the

area of AIDS prevention and improvement of women's sexual health and reproductive rights, the Committee notes with concern the increasingly high rates of HIV/AIDS infection in adolescent girls and the lack of a holistic strategy to combat the spread of HIV/AIDS. It regrets that it was not provided with information regarding the effectiveness of the Jamaica HIV/AIDS/STI National Strategic Plan 2002-2006 in reducing infection rates, and the apparent lack of verifiable indicators available for monitoring its effectiveness.

36. The Committee calls on the State party to monitor systematically women's access to health care, including primary and secondary health-care services, and to disaggregate such data by urban and rural areas, and by age, and use such data as a basis for planning health care delivery. While noting the establishment of the National Advisory Group on Abortion and the existing policy on abortion, providing women with access to safe abortion, the Committee calls on the State party to implement as well as to raise awareness about this policy. The Committee also calls on the State party to enact without delay draft legislation which would provide a legal framework for the existing policy. It recommends the continued implementation of awareness-raising initiatives on women's health, including sexual and reproductive health and rights, and to also target adolescent girls, with special emphasis on combating HIV/AIDS. The Committee encourages more systematic use of its general recommendation 24, on women and health. The Committee also requests that the State party adopt measures to eliminate discrimination against women and girls infected with HIV/AIDS. It calls on the Government to include information, supported with measurable indicators and data disaggregated by sex, regarding the effectiveness of programmes targeting the reduction of HIV/AIDS and access to family planning in its next periodic report.

37. The Committee is concerned that insufficient attention is being paid to the gender-specific impact on women, particularly rural women, of economic adjustment and trade liberalization programmes as a cause of poverty. It is also concerned with the poor living conditions rural women face, especially in the country's interior. While noting the number of interventions for rural women, it is concerned that these are scattered and welfare oriented rather than aimed at rural women's empowerment, and indicate the absence of a holistic approach to implementation of article 14 of the Convention. While noting that the State party has placed a high priority on its National Poverty Eradication Programme, the Committee regrets the lack of data provided on its impact on women.

38. The Committee calls upon the State party to monitor systematically the impact on women, including rural women, of economic adjustment and trade liberalization policies, and in particular of its National Poverty Eradication Programme and other poverty reduction efforts. To that end, it recommends that the State party undertake a gender impact analysis of all such policies as well as of the national budget. It recommends that the State party develop a comprehensive and holistic approach including the elimination of discrimination against women to the implementation of article 14 of the Convention on rural women, and to report on results achieved in its next report.

39. The Committee is concerned that, according to the Marriage Act, the legal minimum age of consent for marriage is 16 years, with parental consent or that of a

guardian. While noting the response of the delegation which indicated that few formal marriages of people under 18 years of age occur in practice, the Committee remains concerned about the possibility of such de facto marriages.

40. The Committee calls upon the State party to raise without delay the minimum age of marriage to 18 years, in accordance with its general recommendation 21 and the Convention on the Rights of the Child. It also requests that the trends in teen pregnancies be monitored and that programmes for the prevention of teen pregnancy be implemented, as well as programmes that provide social services to pregnant teens, and ensuring their continued education.

41. The Committee is looking forward to the speedy accession by the State party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and urges the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

42. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

43. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

44. The Committee notes that States' adherence to the seven major international human rights instruments² enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Jamaica to consider ratifying the treaties to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

45. The Committee requests the wide dissemination in Jamaica of the present concluding comments in order to make the people of Jamaica, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional

² The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2005, and its seventh periodic report, due in 2009, in a combined report in 2009.
