

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

Combined second and third periodic report

195. The Committee considered the combined second, third and fourth periodic reports of Jamaica (CEDAW/C/JAM/2-4) at its 502nd and 503rd meetings, on 26 January 2001 (see CEDAW/C/SR.502 and 503).

(a) Introduction by the State party

196. In introducing the report, the representative of Jamaica informed the Committee of some of the legal, political, social and economic challenges facing her country in the implementation of the Convention. National and global developments were far-ranging, and the situation of women had been influenced in different ways by the many contemporary realities that faced the population as a whole.

197. The representative recognized the importance of national legislation and the protection of women's rights, and noted that, with regard to the implementation of those rights, her country's legal system operated against a background of traditional attitudes to women. To overcome existing stereotypes, redress imbalances and inequalities and ensure harmonization of laws with international norms and standards, a comprehensive legislative review of laws affecting women and children had been commissioned.

198. Despite the fact that many women had high academic qualifications, they remained largely under-represented in positions of influence, power and decision-making. Although some women held important senior positions in Government, equitable representation of women in politics had yet to be achieved. Similarly, women tended to be under-represented in decision-making positions in the private sector. The representative indicated that education was the primary tool for reversing stereotypical attitudes towards gender roles and that there had been an improvement in the retention rates of women, particularly at the tertiary level. However, women still encountered difficulties in finding employment commensurate with the level of their qualifications.

199. The representative described her Government's programmes to address poverty, violence against women, prostitution and the spread of HIV/AIDS, pointing out particular progress in the areas of education and health. However, all of those efforts were affected by structural adjustment policies, globalization and a growing debt burden. She contended that, to implement new policies, the Government needed the support of civil society, and she noted that an increased number of non-governmental organizations, including the National Women's Political Caucus, participated in public life.

200. Noting that poverty continued to affect all aspects of women's lives, the representative stated that poverty eradication programmes were a national priority.

Several programmes on rural, inner-city women and domestic workers, whom the representative described as the most marginalized in the economy, had been initiated by the Bureau of Women's Affairs. The Government was seeking to ensure the wider integration of women in the tourism field, although the negative aspects associated with that sector, such as sex tourism, prostitution and sexual exploitation of young girls, would be monitored.

201. Within the health sector, there had been a significant reduction in the rates of maternal and infant mortality and the implementation of policies designed for cancer prevention. Prevention of sexually transmitted diseases had been integrated into family planning services, and a helpline had been instituted to provide counselling and support. The representative noted that, despite the significant achievements in the area of women's health, HIV/AIDS had become an issue requiring urgent national attention. Women were contracting the virus at a faster rate than men, and young people were in the age group that seemed to be at highest risk.

202. The representative explained that achievements had been made in addressing the issues of domestic violence and other forms of gender-based violence. She noted that statistics indicated a close relationship between the incidence of murder and domestic violence. Many institutional measures had been implemented to counteract domestic and other forms of gender-based violence, including sexual abuse and incest, and the Government had granted financial subventions to non-governmental organizations providing services in that area. Public education and awareness-raising were seen as vital tools in combating violence, and several of the existing laws and acts that targeted gender-based violence were being reviewed. That legislation included the Domestic Violence Act, the Offences Against the Persons Act and the Incest Punishment Act. In addition, a sexual harassment bill was under consideration.

203. In conclusion, the representative informed the Committee that developments in the country continued to be affected by structural adjustment programmes, globalization and the increasing debt burden. The goals of justice and equity faced challenges because of joblessness, lack of growth and the feminization of poverty. It was a priority for the Government to target the most marginalized and poorest in the society, especially women and children, to give them autonomy and choice. She noted that Jamaica was in a transitional period and was searching for new strategies to overcome current challenges. She reaffirmed her Government's commitment to live up to its obligations under the Convention and emphasized its intention to ratify the Optional Protocol.

(b) Concluding comments of the Committee

Introduction

204. The Committee commends the Government of Jamaica on its combined second, third and fourth periodic reports which is in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions of the Committee's pre-sessional working group and the oral presentation of the delegation, which sought to clarify the current situation of women in Jamaica and provided additional information on the implementation of the Convention.

205. The Committee expresses its appreciation of the open dialogue that took place between the delegation and the members of the Committee.

Positive aspects

206. The Committee conveys its compliments to the Government of Jamaica on its work with the United Nations and regional and subregional organizations in defining national and international plans of action on women. It also welcomes the consistent political will of Jamaica in regard to the implementation, at the national and regional levels, of programmes to strengthen action plans to improve the status of women.

207. The Committee commends the Government for its expressed political will to implement the Convention. It welcomes the Government's efforts to review and amend its legislation to comply with its obligations under the Convention.

208. The Committee congratulates the Government on its intention to sign and ratify, as soon as possible, the Optional Protocol to the Convention.

209. The Committee expresses its appreciation for the withdrawal of the reservation to article 9, paragraph 2, of the Convention, which the Government had made upon ratification.

Factors and difficulties affecting the implementation of the Convention

210. The Committee notes that the entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constitute obstacles to the full implementation of the Convention.

Principal areas of concern and recommendation

211. The Committee expresses its concern at the slowness of legal reform relating to anti-discriminatory legislation. The Committee also expresses its concern that, although the Constitution provides for the equality of all citizens, there are no constitutional remedies available to women.

212. The Committee recommends that the Constitution be amended to allow women to have access to constitutional remedies of redress. The Committee urges the Government to make the necessary legislative reforms to the Constitution in order to create an appropriate legal framework that would ensure that the law is consistent with the provisions of the Convention. The Committee urges the Government to reform existing legislation and to create new legislation to protect the equal rights of women and men in regard to labour, social, family and property.

213. The Committee expresses its concern that Jamaica's passport law provides that a married woman may keep her maiden name on her passport only if she insists or for professional reasons and that, in those cases, a note would be entered in her passport with the name of her husband and the fact of her marriage.

214. The Committee calls upon the Government to bring the passport law into line with article 16 (g) of the Convention.

215. The Committee expresses its concern that the Maternity Leave with Pay Act of 1979 does not cover domestic workers. It also expresses its concern with the disparity of eligibility and benefits to domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act.

216. The Committee calls upon the State party to revise the Maternity Leave with Pay Act 1979 so as to ensure that, in accordance with international standards, all mothers receive leave with pay. It also calls upon the State party to review the

Maternity Leave with Pay Act and the National Insurance Scheme with a view to removing any disparity as regards the eligibility of domestic workers and other female workers to benefits.

217. The Committee expresses its concern that stereotypical attitudes and behavioural patterns about the roles of women and men in the family and in society persist.

218. The Committee urges the Government to implement awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning the roles of women and girls.

219. The Committee expresses its concern that the Government lacks a clear understanding of the full range of the temporary special measures provided for article 4, paragraph 1, of the Convention.

220. The Committee urges the Government to implement the full range of temporary special measures aimed at increasing the number of women in decision-making at all levels, as well as in the public and private sectors. It recommends that the Government sensitize the social partners about the importance of these measures.

221. The Committee expresses its concern that the current system of monitoring gender impact through focal points is not effective and that the necessary structure is not in place.

222. The Committee urges the Government to introduce gender mainstreaming measures in all governmental ministries, institutions and departments, and notes that the responsibility should not fall exclusively under the purview of the Bureau of Women's Affairs. The Committee recommends that the Bureau of Women's Affairs should have the role of monitoring gender mainstreaming in all governmental activities. The Committee requests that further information on the gender monitoring checklist be provided in the next report.

223. The Committee expresses its concern about the high rate of teenage pregnancies.

224. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes, including availability and accessibility to affordable modern contraceptive means for both women and men. It encourages the Government to promote educational programmes on reproductive rights and responsible sexual behaviour for both women and men, particularly young people.

225. The Committee expresses its concern about the persistence of gender-based violence and domestic violence, including marital rape. The Committee also expresses its concern about the high incidence of incest and rape, and the lack of a holistic governmental strategy to identify and eradicate gender-based violence.

226. The Committee urges the Government to place a high priority on measures to address violence against women in the family and in society, in accordance with general recommendation 19 of the Committee and the Declaration on the Elimination of Violence against Women. The Committee recommends that the Government raise public awareness about violence against women and urges the Government to strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism. The Committee urges the Government to ratify the Inter-American

Convention for the Prevention, Punishment and Eradication of Violence against Women in order to strengthen the Government's programmes in that area.

227. The Committee expresses its concern at the high incidence of poverty among various groups of women, in particular in households headed by females. The Committee recognizes that those households have been negatively affected by structural adjustment programmes and the changing global situation.

228. The Committee requests the Government to provide additional information on programmes and projects implemented to combat the negative impact of structural adjustment programmes on women and to ensure that the Government's policies to eradicate poverty are continuous and do not further marginalize women.

229. The Committee expresses its concern about the working conditions of female labourers in the free-trade zone areas.

230. The Committee urges the Government to enact legislation to protect the labour rights of workers in the free-trade zone areas.

231. The Committee also urges the Government to sign and ratify the Optional Protocol to the Convention. It further urges the Government to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

232. The Committee requests that the Government provide in its next report more detailed data, statistics and information about all aspects of women in Jamaica and respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

233. The Committee requests the wide dissemination in Jamaica of the present concluding comments in order to make the people of Jamaica, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the future steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".