
Committee on the Elimination of
Discrimination against Women
Seventh session

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

Initial report

458. The Committee considered the initial report of Jamaica (CEDAW/C.5/Add.38) at its 116th and 120th meetings, on 24 and 26 February 1988 (CEDAW/C/SR.116 and 120).

459. The representative of the State Party informed the Committee that, in addition to the information provided by the report, she was circulating her country's

national policy statement on women which had been adopted by the Jamaican Cabinet in July 1987.

460. Much remained to be done, but in ratifying the Convention the Government had been forced to examine seriously the situation of women nationally. For women in the 15 to 19 years of age group, 40 per cent had already had more than one or two children. A conservative estimate was that one third of the heads of households were women. Statistics also revealed that women constituted 46 per cent of the labour force and that 75 per cent of them were in service occupations, with an estimated 58 per cent occupying professional, technical, administrative, executive and managerial positions.

461. She highlighted the legislation with direct relevance to the different articles of the Convention, such as laws related to the status of children, maternity leave, marriage, divorce and employment. Areas of incompatibility between national legislation and the Convention had been found, such as nationality and citizenship laws, the concept of domicile in relation to divorce due to adultery, and parental rights. The Office of Legal Reform in the Ministry of Justice was undertaking a review to bring national legislation in line with the Convention, including the law on nationality, which had motivated the reservation of Jamaica to article 9.

462. Regarding national machinery created to oversee the status of women, she mentioned the Bureau of Women's Affairs, established in 1975 as the central body and facilitator responsible for the issue. In 1985, a National Advisory Council on Women was established to advise the minister responsible for women's affairs, composed of senior civil servants and representatives from non-governmental organizations.

463. She wished to refer to the national policy statement on women mentioned before, since it was a political and revolutionary document reflecting the growth of a nation. Jamaica was the first English-speaking Caribbean country to develop such a policy. The elaboration of this document had required national consultations at all levels through round-table discussions, symposia, radio programmes and meetings.

464. The policy was structured around four main themes: social situation of women, Government's responsibility in redressing inequality, public policies and women's participation in planning and programming. Special measures also had to be developed to compensate for historic and current disadvantages experienced by women.

465. The plan stated the situation and the Government's proposed measures, corrective action required and the responsible agency. The fact that a clearly articulated policy was necessary suggested that a deficiency existed within current policies which retarded the complete development of women. According to Professor Joycelin Masshiah, "the objective of the national policy must be to reduce social inequities based on class, race or gender considerations; the route towards reducing gender inequality lies in the direction of increasing female autonomy and altering the structure of gender ideologies". The role of non-governmental organizations would be imperative in the actualization of any such policy.

466. Experts were encouraged by the actions undertaken by the Government to reform and review existing laws, as well as by the formulation of a national policy on women. It was also noted that the first woman Under-Secretary-General in the

United Nations system had been a Jamaican citizen. It was also remarked that Jamaica had enjoyed only 24 years of independence and that, as a young country, it showed the enthusiasm and political will to correct existing inequalities between men and women.

467. Furthermore, it was noted that the present economic crisis had reduced public services and that, in spite of such difficulties, the Government was making serious efforts to implement the Convention. Clarifications were requested regarding the systems of government and on the reasons why the reservations to the Convention had been entered. If the society was of a matriarchal nature, did it mean that women were held in higher regard than men or did it mean that they were only seen as mothers and within the context of the family.

468. Clarification was sought on the reference made in the report to customary international law. Clarification was also requested regarding section four of the Interpretation Act which stated "that in all legislation words importing the masculine gender included females". It was remarked that this reflected the male norm and made women more invisible and a question was posed on whether revisions were foreseen. Since an ombudsman had been appointed, statistical information was requested on the number of cases of violation of women's rights and it was asked whether free legal aid was available.

469. It was asked whether there were any plans to introduce temporary special measures to accelerate de facto equality. An explanation was sought on a statement in the report that certain laws maintained a difference in approach between men and women, "responding to the sensibilities of women", and on the exemption for women to serve on a jury "by reason of the nature of the evidence" in section 51 of the Jury Act, and how it was implemented.

470. With regard to measures to modify social and cultural patterns, the Committee asked whether the measures established by the Government had had any measurable impact, specially those enacted by the media and at schools. Experts were interested to get more information with regard to the use of women in these efforts. It was also pointed out that men had to be encouraged to share in household work and that it was necessary to change the perception of the role of men, and it was asked whether fathers were encouraged to assist in parental responsibilities.

471. More information was requested on the prevalence of domestic violence, the incidence of rape and the number of cases that reached the courts. Provisions applied for the protection of women from exploitation and physical abuse dated from 1864 and experts wondered whether there was any need to amend and update them. Concerns were expressed about the definition of prostitution, penalties imposed on offenders and perpetrators, and dismay was expressed at the leniency with which child prostitution was considered. Other concerns referred to the way in which the drug problem affected women. Questions were asked regarding legislation to control or ban the use of drugs.

472. Questions were asked as to the participation of women in national elections and political parties, the support given to them if any, and more statistical information was requested regarding women candidates for government, ministries and parliament, as well as a breakdown by sex of judges, mayors and employees in higher positions. It was also pointed out that it would be helpful to receive information as to the distribution of women and men, for example in the Foreign Ministry, at

what levels women were found and what were their career prospects in comparison with men.

473. It was asked whether the present nationality legislation, which was the reason for the reservation to article 9, paragraph 2, of the Convention, reflected a way of regulating population growth.

474. It was remarked that the problem of early pregnancies in Jamaica was crucial and detrimental to women's advancement and it was asked what education pregnant school-girls could get. Experts asked whether an analysis or study had been made of the problem, whether sex education programmes had been carried out and whether counselling centres had been opened in the rural areas. More responsibility had to be placed on men's shoulders regarding sex education and it was asked whether adult education programmes were established and whether functional illiteracy was a problem. Experts also wanted to know whether education was free at all levels, whether study choices were sex biased and, if so, whether there were any programmes to remedy this.

475. The Committee expressed its worries over the apparent discrimination of women in the labour force. There was no policy which guaranteed effectively that a private sector employer hired without prejudice to sex. Clarifications were sought on subsidy payments to domestic workers, pension and disability benefits, job security and retirement age, on how the national insurance scheme worked and who paid the contributions. It was felt that the Government seemed to rely too much on the good-will of employers. It was also not clear whether the principle of equal pay for equal work was now implemented. It was asked what was the situation of women workers in free trade zones and whether they were covered by the provisions for minimum wages.

476. Experts wanted to know whether Jamaica had signed the International Labour Organisation (ILO) Convention 103 governing maternity provisions for workers.

477. More statistical and empirical material would have assisted the Committee and it was pointed out that information on infant and maternal mortality rates, the number of child births and the number of abortions should be provided.

478. It was asked whether the participation of men in family-planning services was promoted to the same extent as that of women and, since tubal ligations were carried out on women, whether vasectomies were carried out on men. Further information was requested with regard to punishment for abortion.

479. The background material made available to the Committee by ILO indicated that the Women's Bureau provided assistance to women entrepreneurs and the experts requested information on the number of women who had applied for those services. Since financial credit was essential in fostering small business, it was asked whether credit and financing were facilitated to improve housing and agricultural development and whether women "higglers" in the informal sector had access to financial credit.

480. Land tenure and ownership was an obvious concern to rural women and additional information was requested on the current situation. Had women co-operatives been introduced as part of the projected land-reform policy, and were the same social security provisions applied to women and men working in rural areas. It was also asked how the introduction of new technology in agriculture affected women workers.

481. It was felt that the recognition of the contribution of women in marriage was long overdue in Jamaican family law and it was asked whether there were any plans to reform the law on the distribution of property. Information was requested regarding women in common law marriages, rights of children born in and out of wedlock, divorce grounds and divorce rates. It was asked whether there were any laws or customs regulating the family name of married women.

482. The representative of the State Party, in replying to questions raised by the Committee, wished to recall that Jamaica had been discovered by the Spanish in 1655 and subsequently, until 1962, had been under colonial rule by the British. For centuries it had been a plantation society whose population comprised descendants of African slaves. Therefore the struggle for the emancipation of women had to be examined within the context of slavery and colonialism and the consequences thereof.

483. In presenting Jamaica's initial report, she had been overmodest. Women in Jamaica were indeed at the vanguard of the international effort towards equality as much as they had been against colonialism in the eighteenth century.

484. Jamaica was not really a matriarchal society but rather a society where women had the responsibility for the family rather than authority.

485. Questions had been asked regarding the functions of the Bureau of Women's Affairs. It held the portfolios of social security and social affairs. It had the major responsibility to provide technical assistance and devise policy and implementation programmes through the respective ministries. In addition to other duties, it was the body in charge of the execution of the National Plan of Action on Women. It collaborated with non-governmental organizations and the private sector, including universities. Its annual budget was 1 million Jamaican dollars, which she considered small. It also established linkages with intergovernmental bodies such as the Caribbean Community, the Organization of American States and the United Nations.

486. Efforts to eradicate stereotyped conceptions about women had been launched by means of public education campaigns through the mass media. The above-mentioned programmes included information on family planning, family violence and disabled women. Workshops had also been held to determine policy and how to work with the ministries in strategy development. Round-table discussions were held every month. Such public education mobilization also included youth groups, towards which health and sex education had been directed.

487. Nevertheless, stereotyping was a feature of society perpetuated by the media. The Bureau had lodged protests against the companies concerned with the support of women's organizations, which had resulted in the removal of such advertising campaigns.

488. An increase in domestic violence could perhaps be attributed to the fact that women were asserting themselves as a major economic force. Sexual harassment was an understated problem in Jamaica and not many complaints had been brought to court. One specific case was brought to the Bureau's attention, but the complainant had not wished to pursue the matter through the courts.

489. Crisis centres had been established to provide assistance to rape and incest victims and battered women. She provided the Committee with statistics on the

number of cases reported regarding rape victims, incest cases, domestic violence, abuse of children and other age/sex ratios pertinent to these matters.

490. A programme for adolescent mothers of the Women's Centre had been established to continue the education of pregnant teenagers; a majority returned to school after the birth of the children. The average weight of children born to adolescent mothers was 2.6 kilograms, and the average age of the father was 18 to 23 years of age. The Centre was financed from donations and grants made by local and international organizations. It served as a model for other countries where it was being replicated.

491. Prostitution was illegal but endemic. Prostitutes had been one of the targets in the public information campaign against the acquired immune deficiency syndrome. A changed lifestyle had been promoted alongside with the introduction of practical measures to foster proper and adequate health care.

492. Three permanent secretary posts were filled by women and two out of 12 ambassadors, and six consul-generals were women. Seven parliamentarians, one of whom was a minister, and two ministers of State, were also women. The most senior member of parliament was a woman who had held a seat continuously for 20 years. Women were also very active at the grass-root level and held prominent posts within the parties.

493. Jamaica had entered a reservation on article 9, paragraph 2, of the Convention. However, the Government had begun a constitutional amendment process, in order to bring the constitution in line with the Convention. Jamaican women and the Government were both committed to see their reservation withdrawn in due time.

494. There was evidence to suggest that more women were attending university courses and that they were beginning to enter the traditionally male field of natural sciences. Since 1982, and in order to reduce functional illiteracy, a skills training programme had been introduced.

495. National minimum wage was \$J 1.50 per hour, for a 40-hour week. Different rates applied to overtime, night-work and work on holidays. The Minimum Wage Advisory Commission worked on a national insurance scheme which required compulsory contributions for both workers and employers; the workers contributed one third and the employers two thirds.

496. Free trade zones provided job opportunities at fairly decent wages above the minimum standard established, and trade unions worked to palliate overcrowding and improve sanitation and other working conditions in the plants.

497. Child mortality had declined in the 1980s. Abortion was illegal except in cases of rape or when pregnancy endangered the mother's life. Family planning programmes were geared towards men and women alike and men now were more inclined to accept vasectomies.

498. Women did have access to credit facilities through the people's co-operatives and credit unions. Non-governmental groups also were active in providing loans and fund-raising both for projects and for training. The informal commercial "higglers", who were all women entrepreneurs, had accounted for 60 per cent of Jamaica's domestic economy.

499. Common law unions prevailed in Jamaica, a fact which placed women in a particularly vulnerable position. However, the law made no distinction between children born in or out of wedlock.

500. In 1986, there had been 894 recorded divorces, cruelty being the grounds for 100 of them. The Government was studying the revision of the divorce law.

501. Children were given the father's name although mothers had the right to give their name if they wished.

502. The Committee thanked the representative for her answers which were found closer to the reality of Jamaican women than the report. A clearer picture had emerged which was justified by the enthusiasm hinted at in some statements found in the report. It was asked which of the obstacles to the implementation of the Convention seemed most difficult to overcome.

503. The representative said that attitudes presented the greatest deterrence. On one side, men had a pre-conceived notion of women and, on the other, women had excelled at being superwomen in their multiple roles outside and inside the home. She saw changes emerging and she was optimistic.