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## **Report of the Working Group on the Universal Periodic Review\***

### **Jamaica**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of Jamaica was held at the 12<sup>th</sup> meeting, on 8 November 2010. The delegation of Jamaica was headed by the Minister of State, Ministry of Foreign Affairs and Foreign Trade, The Honorable Marlene Malahoo Forte. At its 16<sup>th</sup> meeting, held on 10 November 2010, the Working Group adopted the report on Jamaica.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Jamaica: Qatar, the Republic of Moldova and Cuba.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Jamaica:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/JAM/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/JAM/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/JAM/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Latvia, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Jamaica through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 43 delegations made statements. The delegation of Jamaica was thanked for its frank presentation of the report, for responses to advance questions and for Jamaica's constructive engagement in the universal periodic review process. Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. Jamaica indicated that its national report was the product of wide-ranging consultations coordinated by the Ministry of Foreign Affairs and Foreign Trade. Consultations had involved Government ministries, departments and agencies, non-governmental organizations and civil society, including academia. It noted that the report provided a candid assessment of the human rights situation in Jamaica.

7. Jamaica recalled that it was a small island developing State and a small vulnerable economy. It noted that, as of September 2010, the World Bank had placed it in the "upper-middle-income" group of countries. However, it indicated that, as one of the most highly indebted countries in the world, Jamaica was worse off than many countries in the low-income group. The classification as part of the upper-middle-income group had precluded Jamaica's benefiting from certain financing, although its debt burden was such that it had

limited fiscal space to undertake necessary (social) programmes. Additionally, its relationship with the International Monetary Fund imposed further restrictions.

8. Jamaica added that the high incidence of crime and violence, fuelled by transnational organized crime related to drug trafficking and illegal trafficking in small arms, continued to impede its economic and social development.

9. Despite those constraints, Jamaica continued to strengthen the national infrastructure and improve the legal and policy framework to protect the rights of specific target groups, such as women, children, young people, the elderly and the disabled. Considerable progress had also been made in meeting the targets of the Millennium Development Goals.

10. Jamaica indicated that it would require special assistance to continue to strengthen and improve its capacity to fulfil its responsibility to its people in promoting and protecting their human rights.

11. It then affirmed that in presenting its report, it would address, as far as possible, the many advance questions received.

12. Regarding the legislative framework and treaties, Jamaica stated that its commitment to the promotion and protection of human rights was exemplified by, inter alia, the "Fundamental rights and freedoms" chapter of its Constitution, numerous pieces of legislation and its adherence to various international treaties.

13. Additionally, a Bill for a Charter of Rights and Freedoms had been resubmitted in Parliament on 21 September 2010, in recognition of the need to more comprehensively protect fundamental rights and freedoms. Jamaica had taken note of the erroneous suggestion that there had been insufficient consultation with respect to the Charter. It provided details about the many consultations held and affirmed that, given the special and complex procedure set out in the Constitution for the alteration of those provisions, a new round of debate was expected to commence in early 2011.

14. Regarding questions about its intention to ratify optional protocols, Jamaica pointed out that "optional" meant "optional". There was much wisdom in the international system in terms of making some things optional. Where domestic law was consistent with international law but might be deemed inconsistent with some provisions of optional protocols, Jamaica would continue to carefully consider how it approached the ratification of optional protocols.

15. Jamaica explained that, given its past experience, the issue of ratifying any instrument could not be taken lightly. Once the Cabinet had given its approval for ratification, it hoped to first draft the enabling legislation before actually ratifying, in order to reduce the gap between ratification and the implementation of domestic laws. It indicated that significant strides had been made in the ratification of various instruments. It stated that a submission was now before the Cabinet recommending ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, since appropriate enabling legislation was now in place; that legislation was being drafted to facilitate ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and that active consideration was also being given to ratifying the Rome Statute.

16. Jamaica also stated that, in considering ratification, the question of whether sufficient avenues existed for the protection of its citizens was also considered.

17. Regarding the issue of torture, Jamaica noted that torture was specifically prohibited in its Constitution. And, although it was not a party to CAT, it had extended an invitation to the Special Rapporteur on Torture earlier this year.

18. Jamaica indicated it was practically up to date regarding its obligations under ICCPR, ICESCR, CEDAW and CRC. Capacity constraints accounted for late/outstanding reports to other treaty bodies.

19. Regarding issues related to discrimination against women and gender-based violence, Jamaica presented its record of significant accomplishments in the advancement and empowerment of women in society. Examples mentioned included the establishment of the Bureau of Women's Affairs as early as 1974 and the fact that it had consistently had a Minister with responsibility for women's affairs. Additionally, the status of women was protected through important legislation.

20. Jamaica noted, moreover, that Jamaican women had occupied positions at the highest political and public levels, and recalled that the country had had a female Prime Minister and that numerous high-ranking public officials were women.

21. Jamaica indicated that both boys and girls had equal access to education. However, there was a growing concern that boys were lagging behind.

22. Notwithstanding those significant achievements, Jamaica recognized the continued existence of cultural and societal biases against women. It declared the Government's firm commitment to gender mainstreaming and indicated that a range of policy initiatives were being undertaken, including the formulation of a national policy for gender equality.

23. Regarding the legislative framework, Jamaica affirmed its commitment to bringing the country's legal framework into compliance with the provisions of CEDAW. Jamaica highlighted the fact that key legislation had been enacted to address this, including the Domestic Violence Act (2004) and the Sexual Offences Act (2009).

24. Jamaica added that it had prioritized a strategy for combating and eradicating violence against women that included awareness-raising programmes and training in gender sensitivity for justice system personnel, teachers, health-care and social workers and the media. Those efforts had been supported by United Nations agencies, including the United Nations Development Fund for Women and the United Nations Population Fund.

25. Jamaica expressed its deep concern about allegations of extrajudicial killings by the security forces, which was shared by the Special Rapporteur on Torture, who had visited Jamaica in February, and by delegations who had posed questions on the issue.

26. Many cases had been brought before the courts for prosecution, but the paucity of convictions had raised questions. Consequently, the Government had, inter alia, enacted the Independent Commission of Investigations Act 2010; enacted the Coroner's (Amendment) Act (2009), establishing the Office of Special Coroner to conduct inquests islandwide; enacted the Public Defender (Interim) Act (2000); and appointed a Public Defender, empowered to investigate allegations of injustice or infringement of citizens' constitutional rights by the State.

27. Jamaica added that training in human rights was also being offered to security personnel, in collaboration with human rights non-governmental organization. In addition, the Jamaica Defence Force had put in place revised rules of engagement, focusing on a further reduction in civilian deaths.

28. Jamaica underlined its support for the work of the Public Defender, the Independent Commission on Parliament mandated to protect and enforce constitutional rights and to investigate and remedy complaints of maladministration; and had provided information about measures adopted by the Government.

29. Regarding questions raised relating to events in the Tivoli Gardens in May 2010, Jamaica stated that its report provided the background to the developments that had precipitated the action by the security forces and the actions by the Government to

investigate the police/military operations, including the circumstances surrounding the civilian deaths. It emphasized that the high level of crime and violence remained a major concern and that the murder rate remained high, but was trending downward.

30. Jamaica noted that the transnational nature of organized crime required cross-border collaboration at the bilateral, regional and international levels. Jamaica stressed the various anti-crime initiatives it had undertaken over the years and mentioned a number of specific examples.

31. Regarding the issue of sexual orientation, Jamaica stressed that, although consensual sex between adult males remained proscribed by law, there was no legal discrimination against persons on the grounds of their sexual orientation. Jamaica pointed out that Jamaican law did not criminalize lesbian, gay, bisexual and transgender orientation, nor did the Government condone discrimination or violence against lesbian, gay, bisexual and transgender persons. It added that there had been no credible cases of arbitrary detention and/or harassment of such persons by the police, nor was there any such official policy. Likewise, there was no evidence of any mob-related killing of lesbian, gay, bisexual or transgender persons.

32. Jamaica stressed that the issue of male homosexuality was one of great sensitivity in Jamaican society, in which cultural norms, values, religious and moral standards underlay a rejection of male homosexual behaviour by a large majority of Jamaicans; and that the Government was committed to ensuring that all citizens were protected from violence.

33. Jamaica indicated its major success in addressing the HIV/AIDS pandemic, with the support of the Global Fund. Access to anti-retroviral drugs had been significantly increased and had reversed the rate of HIV/AIDS infection. It noted, however, that the reclassification as an upper-middle-income country had rendered the country ineligible for further assistance from the Fund and that it did not have the resources to fill that gap. Jamaica was therefore at the forefront in calling for recognition of a special category of countries known as highly indebted middle-income countries. It also noted that there could be no discrimination in respect of access to drugs if the spread of AIDS was to be halted.

34. Jamaica recognized room for improvement regarding discrimination and stigma linked to HIV/AIDS and provided details regarding initiatives adopted in that regard. It noted that the Pan Caribbean Partnership against HIV/AIDS (PANCAP), established by CARICOM Heads in 2001, had played a key role in scaling up responses to HIV/AIDS in the region.

35. Regarding corporal punishment, Jamaica stated that it was forbidden in the education system and in State child-care facilities. With the support of the United Nations Children's Fund, the Ministry of Education had begun an anti-corporal-punishment education campaign, which was also aimed at the domestic level.

36. Jamaica stated that it continued to retain the death penalty. In so doing, it honoured the sentencing principle of proportionality, reserving that penalty for the most egregious types of murder; moreover, it was discretionarily imposed after a sentencing hearing. It stressed that the retention of the death penalty was not contrary to international law or inconsistent with the right to life.

37. Jamaica agreed that there had been a de facto moratorium on the use of the death penalty since 1988, but clarified that there was no demand for its abolition, but rather for retention. It stated that it was therefore highly unlikely that Jamaica would change its stance and vote in favour of the General Assembly resolution on a moratorium on the death penalty or move to an abstention.

38. Regarding the electoral process, Jamaica reaffirmed that its electoral system was highly sophisticated, guaranteed full and fair elections and was rightly admired as an enviable model.

39. Regarding special procedures, Jamaica recalled that it had accepted visits from the Special Rapporteur on Extrajudicial Executions in 2003, from the Special Rapporteur on Torture earlier this year, and from the Inter-American Human Rights Commission last year. Jamaica stated that it would continue to consider requests for invitations from the special procedures, on a case-by-case basis.

## **B. Interactive dialogue and responses by the State under review**

40. Algeria welcomed measures taken to improve the human rights situation in Jamaica, such as the project of a constitutional amendment on the Charter of Rights and Freedoms, the programme on health and education, the commitment to universal access to secondary education before 2016, the reform of the judiciary and the police, the improvement of prison conditions and the adoption of the law on trafficking in persons. Algeria made recommendations.

41. Morocco congratulated Jamaica on its impressive progress in achieving Millennium Development Goals. Morocco welcomed efforts taken to protect children and women from exploitation and ill treatment and to guarantee respect for the rights of older persons and persons with disabilities. Morocco remained concerned about the high rate of violent crime and worsening security problems, as well as the country's vulnerability to natural disasters and global economic instability. It made recommendations.

42. Cuba commended Jamaica for having achieved those Millennium Development Goals that related to the reduction of extreme poverty, malnutrition and hunger, as well as universal primary education, and for being in the process of achieving universal access to reproductive health and access to drinking water and basic sanitation. It noted the free access to public health care and the free and compulsory primary education, as well as programmes benefiting persons in situations of vulnerability. Cuba made recommendations.

43. Colombia requested information about the scope of the project of a constitutional amendment on the Charter of Rights and Freedoms. Colombia encouraged Jamaica to continue its efforts to prevent and punish any form of discrimination against persons with HIV/AIDS. It welcomed the progress made in reducing maternal mortality rates and combating violence against women and domestic violence. Colombia made recommendations.

44. Canada cited the seriousness with which Jamaica assessed its human rights challenges and its constructive engagement in the UPR process as important steps towards a better promotion and protection of the human rights in the country. Canada noted with concern reports of abuse of power and use of excessive force by the police, as well as the lack of accountability, impunity and corruption within the police force. Canada expressed concern about the ability of the judicial system to deliver timely and fair justice, the conditions in prisons and holding cells, the human rights protection gaps for persons of vulnerable groups, and the challenges facing women, including domestic violence, gender inequality, sexual harassment, economic reliance on men, and a lack of institutional support. Canada made recommendations.

45. Ghana applauded Jamaica for its provision of free primary education and its School Feeding Programme. It noted the enactment of the Domestic Violence Act in response to the unacceptably high level of violence against women. Ghana supported the Government's efforts to counter the activities of drug barons and criminal networks. It referred to

initiatives to improve the conditions in prisons. It also noted the impressive progress in achieving the Millennium Development Goals. It made recommendations.

46. France referred to the concerns expressed by the Special Rapporteur on Torture regarding the increase on the number of fatal shootings by police officers and the fact that such incidents were not investigated. It noted the unsatisfactory situation of women and asked whether Jamaica intended to strengthen the legal framework for the protection of women and to conduct awareness-raising campaigns. France made recommendations.

47. Belgium welcomed the progress achieved in meeting the Millennium Development Goals, which had contributed to the realization of economic, social and cultural rights in Jamaica. Belgium raised issues with regard to the death penalty, allegations of extrajudicial executions by the police which had often remained unpunished, and discrimination on the grounds of sexual orientation and identity. It made recommendations.

48. Brazil stated that Jamaica's report presented an honest overview of its human rights situation. Brazil noted the country's progress towards the Millennium Development Goals and stated that improved efforts were needed to achieve the gender-based Goals. It commended Jamaica for the advances made in ensuring the rights of older people. Brazil called on the international community to respond favourably to Jamaica's request for technical assistance. It made recommendations.

49. Malaysia noted Jamaica's increasing vulnerability to natural disasters and the after-effects of the global financial and economic crisis, which challenged the Government's efforts in delivering key goods and services. Malaysia noted significant progress in achieving Millennium Development Goal targets. Malaysia referred to the recently established Male Desk at the Women's Bureau, aimed at engaging men in the gender discourse, and requested to know more about its use. It made recommendations.

50. Australia commended Jamaica for establishing the Independent Commission of Investigations to address alleged human rights violations by the security forces. Australia remained concerned that more than a dozen people remained on death row and that the courts continued to apply the death penalty. It encouraged Jamaica to repeal its laws against homosexual activities and condemn homophobic statements made by public figures. Australia made recommendations.

51. Turkey expressed appreciation for the considerable progress made by Jamaica in reducing absolute poverty and achieving universal primary school enrolment, as well as for the continued steps taken to eliminate gender discrimination. It welcomed provisions implemented to address violence against women, noted the multifaceted approach to tackling crime and violence, and expressed appreciation for policies and programmes taken to improve the rights of children, especially those vulnerable to violence. It made a recommendation.

52. The Netherlands commended Jamaica for its efforts to reform the law enforcement and judicial system, noting that it was still concerned by reported cases of arbitrary detention and arrests, which had remained unpunished. The Netherlands expressed concern about reports of harassment of lesbian, gay, bisexual and transgender persons and stated that legislation criminalizing same-sex activities between consenting adults might contribute to that problem. It also noted that women continued to be victims of discrimination and violence. It made recommendations.

53. The United States of America noted the important steps taken to protect the rights of women, in particular to address discrimination and prevent violence. It expressed concern about reports of extrajudicial killings and the excessive use of force and abuse by police, and the fact that investigations into such allegations against the security forces too often resulted in impunity and a lack of accountability. It remained concerned about continuing

discrimination, violence and exploitation, especially against the lesbian, gay, bisexual and transgender community. It made recommendations.

54. Slovenia stated that, despite the commendable efforts of Jamaica, stakeholders had observed that women continued to face discrimination and domestic violence. Slovenia stated that the reports of abuse and harassment of lesbian, gay, bisexual and transgender persons by law enforcement officials were highly worrisome. It made recommendations.

55. Norway referred to the noticeable progress made in the area of social and economic rights. Norway noted that severe violence was still one of Jamaica's most demanding challenges and that more could be done to implement reforms of the police force and the justice system. Norway noted that while important steps had been taken to protect the rights of women, violence against women and girls remained high. Norway stated that it regarded the death penalty as an inhuman punishment. It made recommendations.

56. The United Kingdom of Great Britain and Northern Ireland welcomed important advances already made, in particular the recently set up Independent Commission of Investigations, to examine abuses by the police, and commended the work of the Jamaican Constabulary Force's anti-corruption unit. It stated that more extensive reform of the police and the justice system was necessary, and that input from civil society and the general public was vital to improving public confidence in those sectors. The United Kingdom encouraged Jamaica to promote tolerance and to end discrimination against lesbian, gay, bisexual and transgender persons. It made recommendations.

57. Jamaica expressed its gratitude to delegations that recognized its constraints. Regarding questions related to the death penalty and the ratification of the First Optional Protocol to the ICCPR, Jamaica recalled that it had become party to ICCPR and the Optional Protocol thereto in 1976, but had withdrawn from this Optional Protocol in 1998. In the light of its retention of the death penalty and its respect for international law, there were no current plans to re-accede to the First Optional Protocol or to ratify the Second Optional Protocol to ICCPR.

58. In response to questions regarding sexual orientation, Jamaica reaffirmed its position on the issue and noted that sexual orientation was not criminalized, only a specific act. Jamaica stated that it was aware of existing concerns and observed that this was a sensitive issue.

59. Regarding prison conditions, it noted that high levels of crime and violence placed great pressure on its justice system. It indicated that steps had been taken to improve prison conditions. Regarding justice reform, it thanked Canada for its assistance and referred to the work of the Jamaica Justice Task Force, with the assistance of the Canadian Bar, and the recommendations made, and reaffirmed the Government's commitment to implementation.

60. Jamaica agreed that the issue of arbitrary detention had been a concern. It stated that a number of crime laws had been adopted, which had included addressing the power of the police to detain and arrest. Therefore, necessary legislative steps had been taken to ensure that arrests and detentions were carried out lawfully.

61. Regarding the question about putting in place a procedure for the review of decisions of the DPP, Jamaica noted that the DPP's rulings were already subject to judicial review, so this was a non-issue. Regarding a question concerning the Male Desk, Jamaica referred to its concern about the gender gap, but said that that concern was also focused on males. Boys were lagging behind, and they had a low level of enrolment in institutions. It provided details about the functions of the Desk.

62. Jamaica also expressed deep concern about the issue of the use of excessive force by police and extrajudicial killings, which had been raised by a number of delegations. It

declared that steps had been taken and the necessary legislation enacted, but that implementation was critical.

63. On the question of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Jamaica stated that it had adopted enabling legislation that would allow it to take the next step and provided details about such laws.

64. Regarding the scope of the Charter of Rights, Jamaica indicated that some of the concerns raised were somewhat misinformed and provided details about proposed provisions to enhance existing rights and proposals for new rights.

65. Hungary noted with satisfaction the achievements made in reducing poverty, malnutrition and hunger, as well as the progress made in the areas of health care and educational reform. Hungary noted that challenges remained in relation to cases of arbitrary detention, the growing number of extrajudicial killings without proper investigation, allegations of torture and ill treatment by the police, and the extent of mental and physical violence against women. It made recommendations.

66. Sweden welcomed the information provided in relation to the programmes to reform the police, as well as the investigations of alleged perpetrators. Sweden inquired about Jamaica's position with regard to CAT. Sweden expressed concern about, inter alia, the criminalization of consensual sex between men, and inquired whether there were initiatives to repeal the law that prohibited sexual activity between men. It made recommendations.

67. Italy welcomed the fact that no capital punishment had been carried out in Jamaica since February 1988, and made a related recommendation.

68. The Republic of Moldova echoed the concerns surrounding extrajudicial shootings and requested further information about the Strategic Review of the Constabulary Force and its follow-up and, in particular, whether measures included human rights training for police and the establishment of a complaints and investigation mechanism. The Republic of Moldova inquired, in relation to violence against women, whether Jamaica envisaged taking measures to protect and provide rehabilitation services for victims. It made recommendations.

69. Slovakia commended Jamaica for the progress made towards fulfilling the Millennium Development Goals, particularly in terms of poverty eradication, education and health care. It noted that the Special Rapporteur on torture had expressed concern about the excessive use of force by law enforcement personnel, which had often amounted to extrajudicial killings, as well as the high level of impunity for that conduct. Slovakia expressed concern about Jamaica's withdrawal from the First Optional Protocol to ICCPR. It made recommendations.

70. China noted with appreciation that in recent years, Jamaica had achieved Millennium Development Goals related to poverty alleviation, universal education and health care. China noted that Jamaica was the first country to ratify the Convention on the Rights of Persons with Disabilities. China fully understood the difficulties and challenges facing Jamaica by virtue of its being a developing country, and was convinced that, through unremitting efforts, Jamaica would constantly make progress. China made recommendations.

71. Spain made recommendations.

72. Maldives understood the challenges facing Jamaica owing to climate change and its effects on the promotion and protection of human rights, and noted in particular that two hurricanes had recently struck Jamaica. Maldives stated that such issues could be addressed only by the whole international community. Maldives noted the recent visit of the Special

Rapporteur on torture and asked whether Jamaica was considering extending a standing invitation to all procedures. It made recommendations.

73. Mexico recognized the steps forward in fulfilling the Millennium Development Goals and invited Jamaica to continue its efforts to combat violence against women and the ill treatment of children. It inquired about the status of implementation of the conclusions of the Working Group on the reform of the judicial system, and requested information about the recommendations that were still to be implemented. Mexico made recommendations.

74. Portugal inquired whether Jamaica intended to amend its legal provisions to replace the death penalty with other penalties. Portugal noted that the Special Rapporteur on Torture visited Jamaica and inquired about what measures were being taken to tackle the reported situations of inhuman conditions in its custodial facilities. Portugal further inquired about the measures taken to implement the right of access to safe drinking water and basic sanitation. It made recommendations.

75. Chile noted the progress made in achieving the MDGs. It noted the challenges relating to security and asked for more information on the plans and programs to reduce violence and the specific measures to modernize the police forces. Chile underscored the importance of heeding the request for technical assistance formulated by Jamaica in its national report. Chile made recommendations.

76. Panama welcomed the steps forward concerning the MDGs and inquired about the specific actions Jamaica is undertaking to guarantee real gender balance. It noted with interest the various projects benefiting persons with disabilities. Panama recognized the social challenges that Jamaica faces particularly in relation to the persisting phenomenon of violence and insecurity. Panama made recommendations.

77. Argentina underscored the advances made by Jamaica in the field of human rights. It welcomed Jamaica significant steps towards the achievement of the MDGs such as reducing the poverty rate and guaranteeing universal primary education. Argentina made recommendations.

78. Germany stated that in 2006, CEDAW noted a number of concerns and urged Jamaica to put in place specified measures in relation to discrimination against women. In this regard, Germany requested to know about the follow-up by Jamaica. Germany noted the recommendations by the Special Rapporteur for Torture in relation allegations of ill-treatment and excessive use of force and requested to know about Jamaica's follow-up to these recommendations. Germany made recommendations.

79. South Africa encouraged Jamaica to finalize the National Policy for Gender Equality and requested further information on steps taken to address CEDAW's concerns about the extent, intensity and prevalence of violence against women, especially sexual violence. South Africa commented upon the ratification of international human rights instruments and commended Jamaica for its important role in establishing the permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade. It made recommendations.

80. Nicaragua commended Jamaica for the advancements in complying with its human rights obligations, reflected in the reduction of extreme poverty, malnutrition and hunger as well as in the advances in education and public health. Nicaragua welcomed Jamaica multi-faceted strategy to combat crime, in particular the existence of the Ombudsman Office as one of the constitutional mechanisms to investigate cases of human rights violations. Nicaragua made recommendations.

81. Trinidad and Tobago stated that Jamaica was a country that had a great sense of fair play and justice and to do what was right. It drew attention to police training programmes and to the Government's introduction of a *Charter of Rights and Freedoms (Constitutional*

*Amendment) Bill.* Despite resource constraints and their forced deployment to maintaining public security, note was taken of the significant progress by Jamaica in achieving the MDGs. It made recommendations.

82. Jamaica reiterated the value it placed on the interactive dialogue. It reaffirmed its positions in relation to: the call by some states to ratify outstanding instruments; in particular the Optional Protocols to ICCPR; the question surrounding sexual orientation and the repeal of the buggery laws and the death penalty. With regard to torture, it recalled that the Constitution prohibited torture and that as long as the citizens have an avenue of redress there was no need to create a multiplicity of proceedings and a duality of processes.

83. Jamaica also stressed the country's poor financial health. It noted that the recent flood rains and hurricanes have resulted in additional stress on its budget and indicated that what Jamaica was being asked to do, will require tremendous resources and additional financial support.

84. With regard to sexual orientation and discrimination, Jamaica explained that the government has raised public awareness of these issues and will continue to do so, but that this needed resources.

85. Jamaica also stated that the fact that the Justice System was so over-burdened with a large number of cases is an indication of the commitment of the police to bring perpetrators to book. However, the State cannot guarantee convictions because due process exists.

86. Jamaica also noted once again that it was advanced in steps taken to protect women, children and special groups, but recognized that there was more to be done. With regard to overcrowding in prisons, the delegation stated that facilities have been retrofitted and re-graded with plans to construct new facilities in keeping with international standards.

87. Jamaica stressed its commitment to promote and protect human rights and requested help to do so.

88. Azerbaijan commended Jamaica, inter alia, for the accomplishments achieved in the health sector. It welcomed steps taken by the Government to advance women's rights and noted that the establishment of quotas on women's representation merited attention. It appreciated the adoption of the Trafficking in Persons Act 2007. It referred to the national report which indicated that criminal activity had become a serious threat to State institutions. It made recommendations.

89. Latvia noted with satisfaction that Jamaica had halved the poverty rate from twenty to ten percent between 1997 and 2007. Latvia referred to the positive cooperation of Jamaica with special procedures mandate holders, including the recent visit of the Special Rapporteur on torture to Jamaica and made a recommendation.

90. Costa Rica commended Jamaica for having achieved universal access to primary education and universal access to health services. It welcomed the inclusion of human rights education in school programs. It recognized Jamaica efforts in meeting its human rights challenges, particularly regarding gender equality, rights of the child and elimination of violence against women. Costa Rica made recommendations.

91. Namibia commended Jamaica for ratifying the major human rights instruments and for the progress in combating HIV and AIDS. Namibia stated that there were high levels of crime and violence and called on Jamaica to strengthen her national youth policies and programmes to instil new paradigms and norms in order to curb the culture of crime, drugs and violence. Namibia also called on Jamaica to abolish the death penalty. Namibia made a recommendation.

92. Haiti noted with appreciation the fact that Jamaica had ratified most of the main human rights instruments. It also noted the national policies established to benefit vulnerable groups. Haiti made recommendations.

93. Barbados noted that Jamaica made great progress in achieving most of the targets set in the MDGs and commended the various legislative measures that have been taken. Barbados stated that greater collaboration at both the national and international level was required in addressing issues of crime in Jamaica, because of difficulties in policing of borders of islands. Barbados called on the treaty bodies and OHCHR to work with Jamaica in preparing reports and providing technical assistance for implementation of recommendations.

94. Mauritius welcomed the achievement of some MDGs. Mauritius commended Jamaica for inter alia ratifying international human rights instruments and requested to know whether Jamaica will consider other instruments, in particular, CAT. For the purposes of learning from best practices, Mauritius requested to receive more information on the human rights in police training programmes, in particular whether the lectures were from the academia or from the police force and whether such courses were meant for new recruits or covered the whole police hierarchy. Mauritius made recommendations.

95. Ecuador welcomed the self-scrutiny of Jamaica recognizing its limitations in terms of public security and noted the situation in prison services emphasized by the Special Rapporteur on Torture. It commended the numerous initiatives in favour of gender equality and women empowerment. Ecuador welcomed the achievements relating to health. It made recommendations.

96. Bangladesh stated that it was assured of Jamaica's political will to promote and protect human rights and acknowledged the financial constraints faced by Jamaica, as reiterated by the delegation. Bangladesh stated that Jamaica has already achieved MDG-2 and was on track to fulfil MDG-6. Bangladesh stated that some treaty bodies expressed concern at the existence of gender inequality in the labour market despite measures adopted. It stated that Jamaica was frequently hit by hurricane and storms, which downsized its achievements. Bangladesh made recommendations.

97. The Jamaican delegation expressed its gratitude to other delegations. It noted that sensitive issues have been raised with high levels of respect and pointed out that as a democratic State; Jamaican Legislators did not have the luxury of disregarding the wishes of its people. On issues raised, Jamaica stated that the concerns of the deteriorating situation for human rights defenders were ill-founded and that the Government had nominated a champion of human rights for United Nations recognition. It added that it has implemented legislation in relation to equal pay for men and women and invited states to look at the relevant legislation. The delegation also stated that the events at West Kingston have been a painful experience and that appropriate investigations were ongoing. The delegation stated that despite the many challenges faced by Jamaica, its commitment to the fundamental principles of democracy, the rule of law and human rights remained unshaken.

## **II. Conclusions and/or recommendations**

98. **The recommendations formulated during the interactive dialogue and listed below have been examined by Jamaica and enjoy its support:**

98.1. **Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Morocco) ( Mexico); ratify CRC-OP-SC (Spain) (Republic of**

**Moldova) (Haiti), in order to pay special attention to the protection of children (Republic of Moldova)/,which has already been signed by Jamaica (Haiti);**

**98.2. Consider ratifying the Optional Protocol to the Convention on Persons with Disabilities (Panama); ratify OP-CRPD, currently before Parliament (Spain); become a party to OP-CRPD (Argentina);**

**98.3. Continue harmonizing its domestic legislation with its international human rights obligations (Nicaragua);**

**98.4. Consider expanding human rights education in the school programme so that it includes the main international human rights instruments, and consider strengthening and expanding the human rights education programmes for law enforcement officials and military personnel (Costa Rica);**

**98.5. Continue cooperating with international human rights mechanisms to strengthen its institutional capacity in the defence and promotion of human rights (Nicaragua);**

**98.6. Take practical steps to fulfil its reporting obligations to various treaty bodies (Azerbaijan);**

**98.7. Address appropriately the challenges identified by treaty bodies' reports, particularly those relating to gender equality, the rights of the child and the elimination of violence against women, and consider requesting technical assistance from OHCHR in order to duly implement treaty bodies' recommendations (Costa Rica);**

**98.8. Continue to address gender inequality (Bangladesh);**

**98.9. Continue strengthening the institutions and preventive policies relating to gender issues and discrimination against women (Chile);**

**98.10. Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women (South Africa);**

**98.11. Continue the measures to increase women's participation in public and political life (Azerbaijan);**

**98.12. Further intensify the already laudable steps being taken to improve the conditions of juvenile detention (Mauritius);**

**98.13. Continue implementing further plans and programmes to reduce levels of violence against women and girls (Colombia);**

**98.14. Continue its efforts to eliminate violence against women (Azerbaijan);**

**98.15. Consider additional awareness-raising campaigns concerning domestic violence cases (Republic of Moldova);<sup>1</sup>**

**98.16. Ensure prompt and effective investigation of gender-based violence and that alleged perpetrators are prosecuted (Norway);<sup>2</sup>**

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<sup>1</sup> The recommendation as read during the interactive dialogue: "Consider additional awareness-raising campaigns, bearing in mind the persistent attitudes concerning the lower status of women, and the reluctance and insufficient knowledge of the professionals concerned with domestic violence cases" (Republic of Moldova).

<sup>2</sup> The recommendation as read during the interactive dialogue: "Ensure prompt and effective investigation of gender-based violence and that perpetrators are prosecuted and convicted" (Norway).

- 98.17. Further strengthen efforts to prevent and combat trafficking in persons and the sexual exploitation of children (Brazil);
- 98.18. Implement the recommendations of the Jamaican Justice System Reform Task Force report and provide the justice system with adequate resources and structures to do this effectively (United Kingdom of Great Britain and Northern Ireland);
- 98.19. Implement a comprehensive policy to address serious deficiencies in the judiciary and in the security forces, as recommended by the Jamaican Justice System Reform Task Force (United States);
- 98.20. Implement the conclusions of the reports on justice and police reform in a most systematic and efficient way (Norway);
- 98.21. Continue to pursue police and justice reforms aimed at reducing crime and impunity, while fully respecting human rights (Brazil);
- 98.22. Speed up its efforts to effectively combat criminal networks (Azerbaijan);
- 98.23. Work to ensure that the Independent Commission of Investigations receives appropriate resourcing and support to enable it to effectively perform its functions (Australia);
- 98.24. Give the new Independent Commission of Investigations the necessary political support and operational resources to fulfil its mandate (United Kingdom of Great Britain and Northern Ireland);
- 98.25. Continue implementing programmes and measures to ensure the enjoyment of quality health and education services for the whole of its population (Cuba);
- 98.26. Continue to take measures to improve its health-care service, especially to guarantee the right of children to healthy growth (China);
- 98.27. Continue implementing actions aimed at reducing maternal mortality from indirect causes (Colombia);
- 98.28. Continue to strengthen education cooperation with international educational organizations (China);
- 98.29. Continue implementing the country's strategies and plans for socio-economic development, particularly with a view to reducing poverty (Cuba);
- 98.30. Share its experience and expertise, through multiform and multisectoral cooperation, with the countries of the region that are well behind in achieving Millennium Development Goals, noting that Goals 1 and 2 have been implemented and that Goals 5 and 7 are in the process of being implemented by Jamaica (Haiti);
- 98.31. Request technical and financial assistance from relevant United Nations institutions to reactivate the innovative hospital project concerning the ill treatment of children, which has been suspended owing to a lack of resources (Algeria);
- 98.32. Consider requesting technical assistance from OHCHR to prepare and implement an appropriate policy that is human-rights-centred to prevent and combat violence (Panama);

- 98.33. Ask the major industrialized economies to help promote and protect human rights in the country, both by reducing greenhouse gas emissions to “safe” levels that are consistent with the full enjoyment of human rights, and by funding adaptation measures to help the country cope with those changes that are already taking place (Maldives);
- 98.34. Continue to develop and implement strategies to counter the negative impacts of climate change in cooperation with and with assistance from the international community (Bangladesh);
- 98.35. Implement the recommendations of this universal periodic review session with the involvement of civil society and non-governmental organizations (Hungary);
- 98.36. Call upon the international community, in particular the bilateral partners of Jamaica, to offer all the necessary development support and cooperation to Jamaica for the implementation of the universal periodic review recommendations in country-driven and country-owned approaches, as forcefully stressed by the Honourable Minister (Mauritius);
- 98.37. Adopt targeted policies and programmes to offer protections for the most vulnerable in society, including women, children and persons with disabilities, and to eliminate discrimination against them (Canada)<sup>3</sup>.
99. The following recommendations enjoy the support of Jamaica, which considers that they have already been implemented or are in the process of implementation:
- 99.1. Prioritize the implementation of the recent legal reforms to eliminate discriminatory provisions against women in compliance with CEDAW (Hungary);
- 99.2. Enhance the training and oversight of police to ensure compliance with domestic and international standards and human rights norms (Canada);
- 99.3. Explore the possibility of upgrading equipment and providing human rights education and training for police and other law enforcement personnel in the effort to improve the security situation and to further restore public confidence, in support of the police and other security forces in the country (Malaysia);
- 99.4. Continue to enhance the training being offered to security personnel, with a special focus on the fundamentals of ethics, the use of force and human rights (Turkey);
- 99.5. Continue assessing invitations to human rights special procedures as a measure to strengthen cooperation in areas to be determined by the authorities (Chile);
- 99.6. Consider extending invitations to all United Nations special procedures on a case-by-case basis, in order to benefit from this mutually enriching cooperation, exchange of experience and expertise and opportunities for future progress (Republic of Moldova);<sup>4</sup>

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<sup>3</sup> The recommendation as read during the interactive dialogue: “Adopt targeted policies and programmes to offer protections for the most vulnerable in society, including women, children, persons with disabilities and LGBT persons, and to eliminate discrimination against them” (Canada).

<sup>4</sup> The recommendation as read during the interactive dialogue: “Extend a standing invitation to all

- 99.7. **Address the concerns raised by the Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and those raised by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (United States);**
- 99.8. **Take steps to reduce overcrowding in the prisons by imposing alternative sentences, where possible (Ghana);<sup>5</sup>**
- 99.9. **Supervise conditions in youth correctional facilities and guarantee that it complies with the Law on Child Care and Protection, in order to determine the progress made at the national level (Ecuador);<sup>6</sup>**
- 99.10. **Ensure that the new detention centres, which will be established in accordance with the auditing mentioned in the national report, comply with international standards, in particular regarding separation of minors from adults and the prohibition of corporal punishment (Mexico)<sup>7</sup>;**
- 99.11. **Establish, in cooperation with civil society, a detailed strategy with a view to eliminating harmful cultural practices and discriminatory stereotypes against women (France);**
- 99.12. **Take measures to eradicate traditional stereotypes of women, especially through educational programmes that promote gender equality and women's rights (Netherlands);**
- 99.13. **Establish adequate services and opportunities for children with disabilities (Germany);**
- 99.14. **Enhance the facilities, services and opportunities for children and persons with disabilities (Trinidad and Tobago);**
- 99.15. **Conduct thorough investigations into all allegations of extrajudicial executions, and ensure that those responsible are punished in accordance with the seriousness of the crimes committed and that witnesses are protected from any possible reprisals (Belgium);**
- 99.16. **Take all necessary measures to ensure accountability for unlawful use of force and extrajudicial killings by police officers, including diligent criminal investigation, prosecution and punishment of perpetrators (Canada);**
- 99.17. **Take the necessary measures to prevent the excessive use of force by security forces and investigate all cases in which such excessive use of force has led to death, as well as bring to justice and punish appropriately all perpetrators of extrajudicial executions (France);**

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United Nations special procedures and to benefit from this mutually enriching cooperation, exchange of experience and expertise and opportunities for future progress" (Republic of Moldova).

<sup>5</sup> The recommendation as read during the interactive dialogue: "Take steps to reduce overcrowding in the prisons by adopting judicial reforms" (Ghana).

<sup>6</sup> The recommendation as read during the interactive dialogue: "Submit its National Inspection Report to supervise conditions in youth correctional facilities and guarantee that it complies with the Law on child care and protection to determine the progress made at the national level" (Ecuador).

<sup>7</sup> The recommendation as read during the interactive dialogue; "Ensure that the new reformatory centres for minors, which will be established in accordance with the auditing mentioned in the national report, comply with international standards, in particular regarding separation of minors from adults and the prohibition of corporal punishment" (Mexico).

- 99.18. Promote greater accountability for the failure of police officers to comply with professional standards of conduct, and carry out full, impartial and independent investigations where the use of force results in the killing of civilians (United Kingdom of Great Britain and Northern Ireland);
- 99.19. Ensure effective investigation, prosecution and sanctioning of members of the police who use excessive force or are responsible for unlawful killings (Netherlands);
- 99.20. Ensure that all allegations of unlawful killings, ill treatment or excessive use of force by police forces are investigated and that perpetrators are brought to justice (Sweden);
- 99.21. Establish a system of effective and transparent accountability to investigate, prosecute and punish those responsible for alleged police abuses and, in particular, possible extrajudicial executions, in order to avoid the perception of impunity and overcome the worrying disenchantment of public opinion regarding the acts of the security forces in their fight against crime (Spain);
- 99.22. Ensure continuous reporting to the public on the status of investigations of cases of arbitrary detention and of extrajudicial killings, and ensure the provision of adequate resources and independent administrative structures for the justice system (Hungary);
- 99.23. Ensure the investigation of all allegations of ill treatment and excessive use of force, and bring the perpetrators to justice (Hungary);
- 99.24. Ensure due investigation and prosecution, in accordance with international standards, of all allegations of ill treatment or excessive use of force by law enforcement personnel, including through the establishment and empowerment of its Independent Commission of Investigations, and provide sufficient compensation to the victims or their families (Slovakia);
- 99.25. Carry out appropriate, independent, effective and transparent investigations into the deaths that occurred between 24 and 28 March 2010 in West Kingston during police operations, make public the outcomes of such investigations, and bring to justice the perpetrators of human rights violations (Spain);
- 99.26. Establish within the Police Service a domestic violence and victims support unit (Ghana);
- 99.27. Establish more shelters for women victims of violence (Norway);
- 99.28. Step up the implementation of legislative, policy and administrative measures aimed at combating gender-based violence and sexual harassment (Malaysia);
- 99.29. Further adopt and implement policies and measures aimed at preventing and punishing discrimination and violence against women, including sexual violence (Brazil);
- 99.30. Continue to undertake awareness-raising and prevention campaigns aimed at addressing gender-based violence and discrimination against women (Slovenia);
- 99.31. Implement the recommendations of the Jamaican Justice System Reform Task Force Report to ensure a modern justice system that is efficient, accessible, accountable, fair and able to deliver timely results (Canada);

- 99.32. Strengthen respect for human rights within the security forces while vigorously investigating and prosecuting alleged human rights abuses, in order to restore the people's faith in both the judiciary and law enforcement (United States of America);
- 99.33. Establish a procedure to review decisions by the Director of Public Prosecution regarding the prosecution of police officers for unlawful killings (Netherlands);
- 99.34. Provide all enforcement officials with proper sensitivity training in relation to sexual orientation, gender identity and HIV/AIDS (Slovenia);
- 99.35. Reflect on ways and means to address the obstacles and challenges that still affect Jamaican society, in particular the high rate of violent crime and worsening security problems and the country's extreme vulnerability to natural disasters and global economic instability, within a framework of close cooperation with the international community (Morocco).
100. The following recommendations will be examined by Jamaica, which will provide responses in due course, but no later than the 16<sup>th</sup> session of the Human Rights Council, in March 2011. The response of Jamaica to these recommendations will be included in the outcome report to be adopted by the Council at its 16<sup>th</sup> session:
- 100.1. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as soon as possible, to allow individual complaints of alleged violations of such rights to be heard by CESCR (Portugal);
- 100.2. Sign and ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal); become a party to CAT (United States); ratify CAT (Sweden); ratify CAT and adjust its national criminal legislation accordingly (Republic of Moldova); ratify CAT and duly translate the Convention into its domestic legislation to address the crime of torture (Slovakia); consider acceding to CAT and the Optional Protocol thereto, while bearing in mind its domestic legislation (Costa Rica); sign and ratify CAT and OP-CAT (Spain); become a party to CAT and OP-CAT (Argentina); ratify CAT and OP-CAT (Ecuador); ratify both CAT and OP-CAT, and revise its domestic laws to include the provisions of CAT (Maldives);
- 100.3. Accomplish progressively human rights voluntary goals, as set up by Human Rights Council resolution 9/12, including the ratification of CAT (Brazil);
- 100.4. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Panama); sign and ratify OP-CEDAW (Spain); become a party to OP-CEDAW (Argentina); ratify OP-CEDAW (Morocco) (Turkey) (Trinidad and Tobago) and establish an overall strategy to eliminate all harmful practices constituting discrimination against women (Morocco); abide by CEDAW and ratify OP-CEDAW (Ecuador);
- 100.5. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); become a party to CED (Argentina);

- 100.6. **Accede to the United Nations Convention relating to the Status of Stateless Persons of 1954 and to the Convention on the Reduction of Statelessness of 1961 (Germany);**
- 100.7. **Accede to the Rome Statute of the International Criminal Court (Ecuador);**
- 100.8. **Consider adapting domestic legislation to international standards and instruments in the field of refuge and asylum (Argentina);**
- 100.9. **Improve its cooperation with the United Nations treaty bodies by making it a priority to submit its future reports on time (Norway);**
- 100.10. **Adopt and implement, in the short term, the project of a constitutional amendment on the Charter on Rights and Freedoms, bearing in mind the extensive legislative work that has been carried out in this regard (Mexico);**
- 100.11. **Consider the possibility of establishing a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Haiti);**
- 100.12. **Give due consideration to the establishment of a national human rights institution in accordance with the Paris Principles (Mauritius);**
- 100.13. **Consider the establishment of a national human rights institution based on the good practices of other countries (Panama);**
- 100.14. **Establish a national human rights institution in line with the Paris Principles (South Africa);**
- 100.15. **Establish a national commission for women's and children's affairs (Ghana);**
- 100.16. **Identify needs in terms of strengthening necessary capacities to overcome the current shortcomings of the normative and institutional framework for the promotion and protection of human rights, and request appropriate technical assistance, including for the establishment of a national human rights institution (Algeria);**
- 100.17. **Establish an independent commission of inquiry into the events surrounding the Tivoli Gardens incident in May 2010 (United Kingdom of Great Britain and Northern Ireland);**
- 100.18. **Fulfil its commitments to build improved detention facilities (Canada);**
- 100.19. **Intensify efforts aimed at improving living conditions in prisons, putting an end to the detention of children in police stations and accelerating the adoption of measures to protect children in juvenile correctional facilities (Algeria);**
- 100.20. **Establish adequate regulations regarding asylum seekers and refugees in order to promote and protect their rights and to find durable solutions, as stipulated in international law (Namibia);**
- 100.21. **Reinforce legal protections against discrimination to include sexual orientation and gender identity as prohibited grounds for discrimination (Canada)<sup>8</sup>;**

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<sup>8</sup> The recommendation as read during the interactive dialogue: "Adopt targeted policies and

- 100.22. **Initiate or join public campaigns so as to encourage tolerance towards homosexual, bisexual and transsexual persons (Belgium);**
- 100.23. **Start a public information campaign to combat discrimination based on sexual orientation (Netherlands).**
101. **The following recommendations do not enjoy the support of Jamaica:**
- 101.1. **Consider ratifying all outstanding international human rights instruments, and update domestic legislation to bring it into line with the provisions of these international treaties (South Africa);**
- 101.2. **Ratify international human rights standards to which it is not yet a State party (Nicaragua);**
- 101.3. **Sign and ratify the First Optional Protocol to the International Covenant on Civil and Political Rights, from which Jamaica withdrew in 1997 (Spain); sign the Second Optional Protocol to ICCPR (Portugal); consider re-accession to ICCPR-OP 1, as well as the ratification of the Second Optional Protocol to ICCPR, with a view to entirely abolishing capital punishment (Slovakia); become a party to ICCPR-OP 1 (withdrawn in 1997) and ICCPR-OP 2 (Argentina);**
- 101.4. **Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);**
- 101.5. **Issue a standing invitation to all special procedures mandate holders of the Human Rights Council (Brazil);**
- 101.6. **Abolish, definitively and as soon as possible, the death penalty (France);**
- 101.7. **Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Belgium);**
- 101.8. **Abolish all provisions in the Penal Code allowing capital punishment, and declare a moratorium on all executions (Norway);**
- 101.9. **Repeal all national legislation implying the application of the death penalty and declare a de jure moratorium; commute all death sentences to prison sentences; and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**
- 101.10. **Eradicate the death penalty as a type of punishment from the legal system after wide consultation with countries which recently took the same step (Hungary);**
- 101.11. **Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take all necessary steps to remove the death penalty from Jamaica's justice system (Australia);**
- 101.12. **Reconsider the withdrawal from the Optional Protocol to the International Covenant on Civil and Political Rights, and, taking into account that death sentences have not been implemented since 1988, declare a moratorium with a view to abolishing capital punishment (Mexico);**

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programmes to offer protections for the most vulnerable in society, including women, children, persons with disabilities and LGBT persons, and to eliminate discrimination against them” (Canada).

- 101.13. Introduce a *de jure* moratorium on the execution of the death penalty, for as long as that penalty is not abolished (Belgium);
- 101.14. Adopt a *de jure* moratorium on executions with a view to abolishing the death penalty (Italy);
- 101.15. Establish a moratorium on executions with a view to abolishing the death penalty, and support the United Nations General Assembly resolution on a moratorium on the use of the death penalty (Portugal);
- 101.16. Consider the possibility of formalizing a moratorium on all pending executions with a view to commuting them and to eventually abolishing the death penalty (Argentina);
- 101.17. Increase the age of criminal responsibility (Trinidad and Tobago);
- 101.18. Repeal all provisions that criminalize same-sex activities between consenting adults (Netherlands);
- 101.19. Repeal sections 76, 77 and 79 of the Offences against the Person Act, which criminalize same-sex male intercourse (United States);
- 101.20. Decriminalize consensual sexual relations between adults of the same sex, and abolish all legal provisions discriminating against homosexual, bisexual or transsexual persons (Belgium);
- 101.21. Decriminalize sexual activity between consenting adults of the same sex, and address hate crimes on the grounds of sexual orientation and gender identity, as a matter of urgency (Slovenia);
- 101.22. Decriminalize consensual same-sex relations between males, investigate all incidents and acts of violence suspected of being motivated on the grounds of sexual identity, and take all necessary measures to ensure the full enjoyment of human rights by lesbian, gay, bisexual and transgender persons, as stipulated by the principle of non-discrimination established under international human rights law and articulated in the Yogyakarta principles (Sweden);
- 101.23. Include in the Charter of Rights Bill, currently before Parliament, a specific prohibition of discrimination on the grounds of sexual orientation and repeal all legal provisions criminalizing consensual relations between adults of the same sex; and combat this type of discrimination through awareness-raising campaigns and education programmes in school (Spain);
- 101.24. Repeal all legal provisions constituting discrimination against lesbian, gay, bisexual and transgender persons (France);
- 101.25. Remove legislation which discriminates against individuals on the basis of their sexual orientation or gender identity (Australia);
102. The following recommendation does not enjoy the support of Jamaica, as Jamaica considers it is based on false or erroneous premises:
- 102.1. Ensure the protection of defenders of the rights of lesbian, gay, bisexual and transgender persons; and take measures to ensure that lesbian, gay, bisexual and transgender persons can fully and freely exercise their rights without fear of attack or reprisal (United States).
103. All conclusions and/or recommendations contained in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Jamaica was headed by The Honourable Marlene Malahoo Forte, Minister of State from the Ministry of Foreign Affairs and Foreign Trade, and was composed of the following members:

- H.E. Mr. Peter C. Black, Ambassador/Permanent Representative Permanent Mission of Jamaica, Geneva
  - Mrs. Norma Taylor Roberts, Director, International Organizations, Department, Ministry of Foreign Affairs and Foreign Trade
  - Mr. Esmond Reid, Minister/Deputy Permanent Representative, Permanent Mission of Jamaica, Geneva
  - Mr. O'neil Francis, Crown Counsel Attorney General's Chambers
  - Miss Keisha Wright, Policy Manager, International Relations Unit, Ministry of National Security
  - Mrs. Andrea Dubidad-Dixon, Counsellor Permanent Mission of Jamaica, Geneva
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