

**STATEMENT BY HIS EXCELLENCY WAYNE McCOOK  
PERMANENT REPRESENTATIVE OF JAMAICA  
TO THE UNITED NATIONS AT GENEVA  
AT THE 16<sup>TH</sup> REGULAR SESSION OF THE HUMAN RIGHTS COUNCIL  
DURING THE CONSIDERATION OF THE UNIVERSAL PERIODIC  
REVIEW OUTCOME OF JAMAICA  
17 MARCH 2011**

Mr. Chairman,

My delegation is pleased to return to this forum in continuation of the Universal Periodic Review of Jamaica, the report of which is to be formally adopted today.

Jamaica attaches great importance to the UPR process which provides, for all countries, an opportunity for stock taking and constructive dialogue with other nations and stakeholders on that most fundamental of national obligations - the promotion and protection of Human Rights in all aspects.

Jamaica's recognition of the universality of the fundamental human rights principles is embedded in our national policy and outlook. This is reflected in our unwavering commitment to democratic principles and the promotion and protection of human rights in our Constitution and in practice.

This approach and the context in which we are addressing the human rights matters that require our reflection and our attention were extensively addressed in a frank and open manner during the presentation to the Working Group last November by the Honourable Marlene Malahoo-Forte, Minister of State for Foreign Affairs and Foreign Trade, as well as in our written submissions to the HRC.

These contributions benefited from consultations with all the departments and agencies of Government concerned with the matters under review as well as stakeholders from the Non-Government Community. The robust and independent roles played by NGOs on human rights matters at the

national level remain important pillars of our structures for the promotion and protection of human rights in our vibrant democracy. Indeed careful note is taken of the positions and views of many stakeholders summarized by the OHRC in documentation presented at the working group stage of our Review.

We are appreciative of the constructive comments made by many delegations in the review process as well as the cooperation which we continue to enjoy through bilateral and international arrangements. We accepted many of the recommendations that emanated from the interactive dialogue which we considered to be most helpful in several areas.

As we indicated in the Working Group meeting, we have implemented or are in the process of implementing many of the goals reflected in some recommendations, particularly in the areas of the social and humanitarian advances that we have realized. We are cognizant of the importance of maintaining and building on these achievements, especially the attainment of Millennium Development Goals for the reduction of poverty, malnutrition and hunger, universal primary education, universal access to reproductive health and access to safe drinking water and basic sanitation. This will help to further improve the quality of life of all Jamaicans and contribute to the overall environment for the enjoyment of the human rights to which all are entitled.

Mr. Chairman, we have given careful attention to the recommendations that we undertook to consider in advance of the adoption of the report today. We were guided by the desire to ensure that the interests of all Jamaicans would be well served by the choices we made. In this regard, we sought to identify the best means for realizing the goals reflected in the recommendations. In some cases we considered that this could be done by reinforcing existing mechanisms rather than establishing new ones or undertaking new international obligations.

This has been elaborated in the document submitted to the Council, however, I wish to highlight the position or actions taken with respect to the recommendations emanating from the dialogue.

On the matter of ratification of international human rights instruments, we again underscore the fact that being a non-party to an international human rights treaty does not diminish the importance of the country's commitment to promoting and protecting human rights.

With respect to the recommendations pertaining to the voluntary goals elaborated in Human Rights Council Resolution 9/12, we consider them to be in keeping with Jamaica's own human rights commitment and its obligations as a party to 7 of the 9 core international human rights instruments. For those Instruments to which it is not a party, appropriate domestic legislation, grounded in the Constitution of Jamaica, provides for the protection of the rights of each citizen. However, I wish to assure the Council that the Government of Jamaica will continue to review those instruments that it has not yet ratified.

In this regard, I can inform the Council that we are reviewing the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment with a view to taking a decision on its ratification.

Consideration is also being given to the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Convention relating to the Status of Stateless Persons of 1954 and to the Convention on the Reduction of Statelessness of 1961. We recognize the importance of the objectives underpinning these conventions and we are consequently reviewing them with a view to taking a decision on ratification.

Mr. Chairman, the Government of Jamaica takes its obligations under the Convention on the Elimination of All Forms of Discrimination against Women very seriously and is working towards adopting an overall strategy to eliminate all harmful practices constituting discrimination against women. The launch on International Women's Day of the National Policy for Gender Equality reflects this ongoing commitment to the strengthening of

mechanisms to address this important national priority. The issue of the ratification of the Optional Protocol is the subject of ongoing deliberations as part of the broader consideration of the review of Jamaica's international human rights obligations which has been underlined in these remarks.

Mr. Chairman, Jamaica has always supported the principles that underpin the Rome Statute to the International Criminal Court to which it is a signatory, particularly as regards the issue of impunity and bringing to account the perpetrators of the most serious offences. We are, therefore, actively considering the legal and constitutional implications of the Statute with a view to deciding on its ratification.

We do recognise the aspirational goals of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), however, we are not in a position to sign and ratify the Protocol at this time.

With respect to matters relating to refuge and asylum, Mr Chairman, our commitment to fulfilling our obligations is reflected in the adoption of a Refugee Policy in 2008. Efforts are now underway to implement enabling legislation.

Mr. Chairman, Jamaica recognises the importance of timely compliance with reporting obligations to United Nations Treaty Bodies. We accept the recommendation that timely submission of these reports should be made a priority. While reaffirming this commitment it is important that due note is taken of the human and resource constraints that can impede the timely submission of reports by developing countries.

The records will show that we are making a determined effort to improve our reporting compliance. This process has already seen the submission, since 2009, of outstanding reports under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Jamaica's ICCPR

report will be considered by the Human Rights Committee in July this year while the CEDAW report is scheduled to be considered next year.

Work is already underway, in some instances far advanced, with respect to completing other outstanding human rights reports under other treaties. These include the Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Mr. Chairman, extensive work has been done with regard to the amendment of the Constitution to provide for *A Charter of Rights and Freedoms* which seeks to provide for more comprehensive and effective protection of the fundamental rights and freedoms of all persons in Jamaica. The Government remains committed to the implementation of this important instrument. In this regard, I can report that the matter is to be taken to our Parliament next Tuesday, 29 March.

Mr. Chairman, Jamaica has taken deliberate steps to strengthen the national mechanisms for dealing with human rights matters. While there is no single institution in Jamaica dealing with the issue of human rights, the mandates of the several entities that have been established with portfolio responsibilities that significantly provide for and enhance the promotion and protection of human rights, are strong and effective. These bodies include, as elaborated in the UPR Report, the Office of the Public Defender and the Independent Commission of Investigations (INDECOM).

Institutional mechanisms already exist for advancing the special concerns of women and children. These are the Bureau of Women's Affairs (BWA) and the Child Development Agency (CDA), respectively, whose mandates provide for the protection and promotion of the human rights of women and children.

The Bureau of Women's Affairs, which was established in 1974, is charged with the responsibility of ensuring that women are empowered to achieve

their full potential as individuals and contributors to national development. The Bureau is in the process of establishing a National Gender Advisory Commission and, as I mentioned earlier, has launched the National Policy on Gender Equality.

The *Child Care and Protection Act, 2004* established the Child Development Agency as a service provider for child development and children in need of care and protection. The Act further provides for the establishment of the Office of the Children's Advocate as a commission of Parliament for the purpose of "protecting and enforcing the rights of children." The Office operates as an independent body with responsibility to assess and take action where State agencies, including the CDA, fail to discharge their duties in the best interest of the child.

The work of the CDA and the BWA is complemented and supported by a network of non-governmental organizations and civil society groups which target and address the specific concerns of children and women. The Government is committed to providing the support necessary to ensure that these institutions are adequately resourced to meet the needs of their constituents.

Mr. Chairman, several delegations referred to the events in West Kingston in May 2010, and recommended that matters relating to this incident be made the subject of a Commission of Inquiry. The Government of Jamaica has, from the outset, demonstrated its recognition of the importance of dealing with the incident in a way that ensures strict accountability by any agent of the State that has broken the law. As we have advised, the Public Defender is currently undertaking an investigation of operations in the area. A decision on the establishment of a Commission of Inquiry will be taken after the Public Defender completes his investigation and presents his report.

The Government recognizes the urgent need to address conditions in prisons and lockups. It is therefore actively pursuing efforts for the construction of new prison facilities, including the issue of privatization of

prisons. It should, nevertheless, be pointed out that the Government's ability to undertake these initiatives may be constrained in the short-term by the severe economic and financial condition facing the country. In the interim, repairs have been or are being effected to a number of cells, dormitories and prison facilities in order to improve the living conditions of inmates.

The Government is also developing a new regime for the management of juveniles in the care of the State. An existing facility is being renovated which will become the new Metcalfe Street Remand Centre for Boys. The project is near completion and will have a capacity to house two hundred and eight (208) male juveniles as well as alleviate the problem of housing juveniles in police lock-ups.

Mr. Chairman, the measures I have outlined underscore Jamaica's commitment to ensuring that the necessary normative and institutional framework is in place for the promotion and protection of human rights. These are complemented by efforts already underway to advance justice sector reform and review domestic legislation to ensure they conform to international human rights obligations.

We are pleased that the importance of technical assistance and external cooperation in this effort has been recognized in the recommendations made in this review and we look forward to strengthening our efforts with our partners to this end.

**Thank you Mr. Chairman.**