



UNITED NATIONS COUNTRY TEAM – JAMAICA

Submission to the Universal Periodic Review
of Jamaica (Second Cycle)

I. Introduction

1. The present report, prepared by the United Nations Country Team in Jamaica¹, highlights the human rights issues addressed by the country team in its overall contribution to development in Jamaica. With the involvement of a variety of State institutions and stakeholders, the country team is currently implementing the 2012-2016 United Nations Development Assistance Framework (UNDAF) in support of specific country initiatives, including those defined in the national development plan and national efforts to achieve the Millennium Development Goals. Under the UNDAF Framework pillar *Safety, Security and Justice*, outcome 3 reads: “Government and civil society organizations improve access to comprehensive protection, prevention and justice systems and services for individuals and groups vulnerable to multiple safety and violence risks”. One of the indicators for measuring progress is the status of implementation of selected Universal Periodic Review (UPR) recommendations.

II. Background

2. Jamaica has a well-established legislative, policy and institutional infrastructure that provides a foundation for the protection of human rights. The development challenges that the country faces include very low rates of economic growth, high debt and high levels of unemployment. Poverty is increasing, particularly in the rural areas. Lack of resources and inefficiency for investment in social areas related to human rights is a serious concern. Jamaica’s vulnerability to natural hazards, the effect of climate change and the dependence on imported petroleum continue to be significant and costly. Despite a three-year downward trend in the crime rate, the high incidence of crime and violence is, however, the most fundamental and debilitating challenge for the country. Data also point to an increasing incidence of violence against women. Despite some successes, HIV and AIDS continue to have an impact on Jamaica’s development. In addition, issues of governance and the inadequacies of the justice system hamper progress including in the above-mentioned areas.

3. As part of its international obligations, Jamaica was first reviewed under the UPR in November 2010 and was commended for the progress made in upholding human rights. However, continued concerns were expressed about reports of extrajudicial killings and the excessive use of force and abuse by police and the related impunity and lack of accountability; discrimination and violence, especially against the lesbian, gay, bisexual and transgender community; discrimination against women and gender-based violence (GBV); and the poor conditions in custodial facilities.

III. Constitutional, legal, policy and institutional framework

UPR recommendation 98.3: Harmonization of domestic legislation with international human rights obligations

4. As a State party to most of the core international human rights instruments,² Jamaica protects the rights and freedoms of its citizens. The ratification of the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocols to ICCPR, ICESCR, CEDAW, CRC (communication procedure) and CRPD is still pending. In the mid-term UPR update, dated June 2013, the Government noted that, after passing the Disability Bill, which happened in July 2014, it would further contemplate the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

5. Although arrangements exist in the Ministry of Foreign Affairs and Foreign Trade and the Ministry of Justice, there is no permanent institutionalized system in place to coordinate Government engagement with the international and regional mechanisms aimed at implementing recommendations and carrying out reporting.

6. The Government undertook a legal assessment that highlighted the gaps in harmonization between domestic legislation and the international human rights treaty obligations that would support access to HIV prevention and treatment services. In this regard, the Government also called for the review of the Sexual Offenses Act, 2009 and the tabling of the Occupational Health and Safety Bill.

¹ The UNCT in Jamaica is composed of the Resident Coordinator Office, Resident Agencies: FAO, IMF, IOM, ISA, PAH/WHO, UNAIDS, UNDP, UNDSS, UNEP, UNESCO, UNFPA, UNICEF, World Bank; Non-Resident Agencies: ECLAC, IAEA, ILO, UNITU, UNWOMEN.

²International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict, on the sale of children, Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Convention on the Rights of Persons with Disabilities (CRPD).

Recommendations to the Government:

- *Institutionalize a permanent coordination structure to monitor and report on implementation of Jamaica's obligations vis-à-vis human rights instruments and mechanisms, both international and regional, and on recommendations by these mechanisms.*
- *Consider accessing still outstanding international human rights treaties, including optional protocols.*
- *Consider welcoming more visits of international and regional special procedure mandate holders.*

UPR recommendation 100.10: Adopt/implement constitutional amendment on the Charter on Rights and Freedoms

7. In 2011, the Government of Jamaica amended Chapter III of the Constitution and replaced it with a more comprehensive Charter of Fundamental Rights and Freedoms which provides for a more modern approach to certain fundamental freedoms and civil and political rights. Most significantly, the Government articulated its commitment to the promotion and protection of human rights in its Vision 2030 Jamaica in Goal 2, "The Jamaican Society is Safe, Cohesive and Just". In support of the achievement of Goal 2, national outcome 6 states in part that "The Plan recognizes the following as fundamental to the development of our society: strong and accountable institutions; political commitment to effective management of the State; transparency in government; a justice system that is accessible and accountable; equity in all spheres of society; and tolerance and respect for human rights and freedoms".

UPR recommendation 100.16: Strengthening necessary capacities to overcome shortcomings of the normative and institutional framework for the promotion and protection of human rights and request technical assistance, including in the establishment of a national human rights institution

8. The institutions for the protection of human rights in Jamaica include Parliament, the Public Defender, Children's Advocate, the Independent Commission of Investigations, key ministries and the Judiciary. Currently the highest court, the Supreme Court oversees all constitutional matters or matters can be processed through the Public Defender's Office. Concerns remain about the lack of a complaints/redress mechanism, in particular for women and vulnerable groups, for reporting cases of discrimination.

Recommendation to the Government

- *Accelerate progress in the creation of a national human rights institution in accordance with the Paris Principles.*

IV. Promotion and protection of human rights

A. Equality and non-discrimination

UPR recommendation 98.37: Adopt targeted policies and programmes to offer protection for the most vulnerable in society, including women, children and persons with disabilities, and to eliminate discrimination against them

9. The Charter of Fundamental Rights and Freedoms (2011) guarantees fundamental rights to every person regardless of his race, place of origin, political opinions, colour, creed or sex. Although, in article 24, it prohibits discriminatory laws and treatment by any person acting by virtue of any written law, it does not recognize discrimination on the basis of health and HIV status, disability, socioeconomic, marital status, ethnicity or sexual orientation as wrongful. Groups and individuals, in particular women who suffer this kind of discrimination are not properly protected.

Recommendations to the Government

- *Enact comprehensive national legislation that guarantees the principle of equality for all and in particular between women and men in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).*
- *The definition of discrimination should encompass both direct and indirect discrimination, and discrimination in all areas of life, including the public and private spheres and by both public and private actors, in accordance with article 2 (e) of the Convention.*

Persons with disabilities

10. In July 2014, the House of Representatives approved the Disabilities Act, which is to be submitted to the Senate for its approval. In coherence with the Convention on the Rights of Persons with Disabilities, the new law: establishes the requirement that persons with disabilities have access to health, education, transportation, employment, political and public life, housing and premises; enshrines obligations that facilitate the removal of current stigma in the areas of education, employment, health, land and housing matters and involvement in political and other public life; and requires that all

privileges, interests, benefits and treatments in the political, economic, social, cultural, civil, religious and educational spheres be accessible to them. Although the Act does not address the needs of children, the review of the Child Care and Protection Act reflects the needs of children with disabilities very specifically.

Recommendation to the Government:

- *Include among priority legislative reforms the passage of the Disabilities Act.*

Discrimination, violence and stigma against HIV-positive, lesbian, gay, bisexual, transgender and intersex persons

11. In Jamaica there is still no law or policy in place that prohibits HIV-related discrimination or ensures in particular that men who have sex with men (MSM) receive equitable and sustainable access to comprehensive HIV-related services although the 2012 study on Modes of HIV Transmission in Jamaica indicated HIV prevalence at 32.8 per cent among MSM, who also account for 30 per cent of new infections. “Buggery” and “any act of gross indecency with another male person” are criminalized in Jamaica under sections 76, 77 and 79 of the Offences Against the Person Act. Criminalization of private, consensual same-sex sexual acts perpetuates homophobia and makes prevention messaging difficult. Thus, the national HIV Programme and community-based organizations face serious barriers in their work. In addition, discriminatory and brutal policing and denial of access to justice for persons with and at risk of acquiring HIV are often cited as contributing to the epidemic.

12. There is a substantive body of international resolutions and guidelines recommending the decriminalization of private, consensual same-sex sexual acts³ because punitive laws contribute to MSM vulnerability factors, including violence, stigma, discrimination, self-stigma, fear, denial, risky sexual behaviour, multiple partnerships, including in heterosexual marriage relationships, and low testing, treatment and other services uptake.

13. In December 2013, the Ministers of Justice and Health held an advocacy meeting with parliamentarians to build support for critical areas of legal reform, in particular, an amendment to repeal sections 76, 77 and 79 of the Offences Against the Person Act, the redefinition of rape in the Sexual Offences Act and to enact a broad anti-discrimination law. The UN submitted a comment to Parliament on the Sexual Offences Act highlighting relevant human rights issues to be considered during the discussion.

14. Furthermore, the Ministry of Health undertook consultations among youth, private sector, civil society organizations and faith leaders in February and March 2014, with a view to identifying core issues in addressing human rights, stigma and discrimination in a regional declaration and road map to be considered by the Caribbean Community and Common Market (CARICOM) heads of Government and also to be focused on by the National HIV Programme.

Recommendations to the Government

- *Amend the Sexual Offences Act to redefine rape and remove conditionality for marital rape, pass the Occupational Health and Safety Act to prevent discrimination against HIV-positive persons in the workplace and align Jamaica with related International Labour Organization (ILO) recommendations. Data-protection legislation in the context of the Sexual Offences Act and HIV should also be developed.*
- *Take measures (via the Ministry of Health) to raise health workers’ awareness and sensitivity vis a vis stigma and discrimination and enhance the capacity of the health system to respond to health needs, in particular of transgender persons.*

Gender equality and women’s rights

UPR recommendations 98.8, 98.9, 98.10, 99.1, 99.11, and 99.12: Address gender inequality/strengthen institutions/preventive policies relating to gender issues and discrimination against women/establish, in cooperation with civil society, a strategy to eliminate harmful practices and stereotypes against women.

15. Entrenched stereotypical attitudes with regard to the role of women and men and the persistence of GBV within the society constitute obstacles to the full implementation of CEDAW. During the reporting period, the Government adopted several legislative measures aimed at eliminating discrimination against women. However, the Maternity Leave with Pay Act (1979) does not cover domestic workers and there still persist disparities of eligibility and benefits for

³ The International Guidelines on HIV/AIDS and Human Rights recommended that “criminal law prohibiting sexual acts (including adultery, sodomy, fornication and commercial sexual encounters) between consenting adults in private should be reviewed with the aim of repeal” (guideline 4(b)).

domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act.

16. The increasing number of girls who become pregnant while at school and drop out of the education system has implications for the educational attainment, health and well-being of the child and the mother, as well as linkages to poverty. The Policy for the Reintegration of Adolescent Mothers into the formal education system, approved in May 2013, makes it mandatory for schools to allow adolescent mothers to return to the same institution that they left, or, if they so desire, to attend a different one.

Recommendations to the Government

- *Amend, in particular, the Domestic Violence Act, the Reproductive Health laws, and the Marriage Act;*
- *Establish a complaints/redress mechanism and ensure easy, affordable access to it by women and girls;*
- *Ensure that women and girls have effective access to justice, including through the provision of legal aid;*
- *Adopt a strategy and take measures to address the negative stereotypes and adverse traditional beliefs and practices that discriminate against women and girls, in line with art. 2 (f) and 5 (a) of the Convention.*

The rights of children

17. In August 2011, Jamaica ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is currently preparing to submit its first report on the Optional Protocol on the involvement of children in armed conflict. In 2012, the Government co-hosted with the Special Representative to the United Nations Secretary-General on Children and Violence the Caribbean Subregional Conference and then, in 2014, a high-level global meeting on children and violence.

18. The main legislation on the rights of children in Jamaica is the Child Care and Protection Act (2004), which, along with the Children's (Adoption of) Act, is being reviewed to ensure greater compliance with the Convention on the Rights of the Child.⁴ Two policy documents outlining the recommended changes to these acts were prepared and the Government is expected to deliberate on and approve the policies by December 2014.

19. Other notable developments influenced by the Convention include the *Child Justice Guidelines* produced by the Office of the Children's Advocate for court professionals working with children who come into contact or conflict with the law, and the *Code of Ethics for Jamaican Social Workers and Social Service Workers* produced by the Jamaica Association of Social Workers.

20. During 2012 and 2013, the Government addressed the inappropriate treatment of children who come into contact with the law, including their placement in adult prisons and police lockups in excess of 48 hours. In response to the expressed concerns, the Government removed all girls from adult prisons to a correctional facility solely for girls under 18; removed more than 90 per cent of boys from adult prison to correctional facilities solely for boys under 18; commenced the retrofitting of six police stations across the island to accommodate detained children; and reduced the length of stay of children in such facilities.

21. Many of the children placed in juvenile correctional centres and residential child-care facilities experience severe trauma as a result of child abuse. In delivering punitive treatment, rather than nurturing and developmental services, such entities further violate the rights of the children in their care. State facilities are not adequately equipped to provide them with the psychosocial care and mental health services to ensure their rehabilitation and reintegration into their homes and communities.

22. Some parenting and teaching practices, such as the belief in corporal punishment at home and at school, are driven by social norms that are physically and emotionally harmful to children. Incest often occurs because male relatives believe that sex should be their reward for spending resources on their female relatives.

⁴Recently enacted key national instruments that have further strengthened the legal and policy framework for children include the Evidence (Special Measures) Act (2012), the Policy for the Reintegration of School-aged Mothers into the Formal School system (2013) and the National Parent Support Commission Act (2012), which led to the establishment of the the National Parent Support Commission in the same year. Regrettably, some policies that address important aspects of children's lives, such as the National Child Diversion Policy and the Infant and Young Child-Feeding Policy, have remained in draft form for many years with little or no hope of imminent approval.

Recommendations to the Government

- *Approve and implement draft policies that promote the rights of children.*
- *Improve quality of education and access at tertiary level as key issues in the education sector.*
- *Ensure adequate mental health support, including appropriate screening, assessment, and treatment/rehabilitation for children with psychological challenges, including those living in juvenile correctional centres and children's homes.*
- *Proactively influence social norms, cultural practices and beliefs pertaining to child-rearing, parenting and sexual behaviour which put the rights of children to protection and healthy development at risk.*

B. Civil and political rights

Right to life, liberty and security

UPR recommendation 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

23. Jamaica's homicide rate has consistently ranked among the highest in the Caribbean region and the world. The Government has developed and adopted new management and governance patterns for citizen security which have helped to move the focus from implementing crime control measures to increased investment in violence prevention through a social intervention programme, albeit with only a modest amount of the national security budget allocated to it. The National Crime Prevention and Community Safety Strategy was developed in 2010 and revised in 2013.

Recommendations to the Government

- *Increase the annual budget for social intervention programmes.*
- *Enhance the coordination of interventions among the ministries, departments and agencies, as well as with civil society and international development partners.*

UPR recommendation 98.16: Ensure prompt and effective investigation of gender-based violence and that alleged perpetrators are prosecuted

24. Gender-based violence (GBV) is widespread and cases are underreported. There is insufficient awareness and training among judges, prosecutors, police officers and health professionals on violence against women. Availability of reliable data on GBV is limited and no systematic process is in place for collecting them. Factors that deter women and girls from reporting and pursuing sexual offence cases include victims' and "witnesses'" fear of reprisal or retaliation and extreme and costly delays in the judicial process.

25. The National Gender Policy was approved in 2011 and highlights the prevention of GBV as a priority area. The Government is currently developing the first National Strategic Action Plan to prevent GBV. At the same time, unfortunately the recent National Security Policy: A New Approach, makes no direct policy or legislative linkages to GBV, which is often seen as a "soft security issue". This ignores its importance for confronting violence in society.

Recommendations to the Government

- *Adopt and resource the draft National Strategic Action Plan on the Elimination of Gender-Based Violence.*
- *Encourage policy dialogue on the disparities in approaches to security and the absence of a gender perspective.*
- *Enhance gender mainstreaming in justice reform.*

Administration of justice, impunity and rule of law

UPR recommendation 98.18: Implement recommendations of the Jamaican Justice System Reform Task Force report/provide the Justice system with adequate resources and structure

26. The Medium-Term Socio-Economic Framework 2012-2015 identifies the process of justice system reform as a priority for governance. However, reform measures so far have been fragmentary. In order for reforms to be truly effective, the entire system needs to be assessed and a cohesive and a broad-ranging strategy to modernize the justice system needs to be developed.⁵

⁵ The 2007 study on the Jamaica Justice System Task Force Reform contained practical achievable recommendations to achieve the modernization of the justice system.

27. Progress has been made in the implementation of the recommendations in the Task Force report including the establishment of the Justice Reform Implementation Unit within the Ministry of Justice to drive the reform agenda. Other major achievements were the implementation of the Court Management Services and the Judicial Enforcement Management System in the Supreme Court and the Resident Magistrate Court; development of the Restorative Policy; establishment of the Office of the Special Coroner; an increase in the number of judges in the Resident Magistrates' Court, the Supreme Court, and the Court of Appeal; upgrading of the information technology structure in courts; and several measures to support court infrastructure.

Recommendation to the Government

- *Implement the social component to the delivery of justice and increase engagement with the general public and civil society to strengthen public trust and confidence in the justice system.*

UPR recommendation 99.25: Carry out appropriate, independent, effective investigations into the deaths that occurred between 24 and 28 March 2010 in West Kingston during police operations

28. In May 2013, the Office of the Public Defender submitted an interim report to Parliament on investigations into the conduct of the security forces during the state of emergency declared in the May 2010 West Kingston/Tivoli Gardens incursion. The report called for a Commission of Enquiry to thoroughly investigate the role of security institutions. Following that recommendation, on 24 February 2014, the Government appointed a Commission of Enquiry. The Commissioners were sworn in on 29 August 2014.

29. There are, however, concerns regarding the Commission's terms of reference, which do not contain any specific reference to the allegations of serious human rights violations, neither to the underlying causes and contributory factors and the centrality of victims' rights.

Recommendations to the Government

- *Empower the Commission of Enquiry to receive the cooperation of public authorities, carry out on-site visits, subpoena, search and seize, and offer witness protection.*
- *Provide the Commission with records pertinent to its investigations, including classified or restricted documents.*
- *Make the procedures and powers of the Commission of Inquiry transparent and available to the general public, especially to witnesses and victims.*

UPR Recommendation 98.17. Further strengthen efforts to prevent and combat trafficking in persons and the sexual exploitation of children;

30. Jamaica is a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Migration is a cross-cutting issue with serious impacts on the human rights situation in Jamaica if not monitored and managed properly and requires the commitment of all stakeholders as outlined in the International Policy and Plan of Action on International Migration and Development. The current migration issues related to human rights are trafficking in Persons (international and internal); movements of MSM to avoid GBV, children left behind; elderly dependents left behind and deported migrants.

31. Over the last years the government consistently worked towards putting policies in place to effectively manage international migration in accordance with relevant international conventions. In 2013, the Government of Jamaica amended the trafficking in persons legislation and operationalized a shelter for victims of human trafficking. However, there are still a number of children engaged in forced prostitution. Furthermore, international trafficking is a major issue as Jamaica is a sending, receiving and transit country for human trafficking which makes it necessary that the approach of the government of Jamaica be multi-dimensional. In particular, single Jamaican mothers who consider themselves to be poor, were deceived into traveling to another country for a job that did not exist.

32. While the government has ramped up its efforts at raising awareness, it has not yet been successful in convicting any perpetrators under the Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007 legislation thereby not sending a strong message to traffickers that they will be held accountable for their actions. This is partly due to the length of time it takes before a matter is brought before the courts which negatively impacts the willingness of victims to participate in the trial.

Recommendations to the Government:

- *Increase research on the scale of the problem and how best to respond.*

- *Proactively identify victims of trafficking, in particular children under the age of 18 engaged in prostitution and ensure that effective protection mechanisms are in place.*
- *Prosecute vigorously those who are involved in the trafficking of human beings in Jamaica and ensure that cases are brought before the courts within a reasonable timeframe.*
- *Continue with awareness raising efforts in particular addressing to the most vulnerable populations.*

Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

UPR recommendation 98.11: Continue the measures to increase women’s participation in public and political life

33. Despite the achievements in the spheres of gender and gender equality, there has not been a corresponding improvement in women’s participation in politics and leadership, and the country is not on course to achieving the Millennium Development Goal target of 30 per cent women in the nation’s Parliament. Women’s underused and undervalued potential has an adverse impact on the country’s prospects for achieving democratic governance and sustainable national development. Thus far the Government opted for the gradual recognition of equal opportunities through the elimination of stereotypes over time and has not promoted a legislative framework governing these measures. However, recent steps include a motion passed in early 2014 in the lower house of Parliament and discussion at the Senate level to bring to the fore the need to improve women’s participation in political leadership.

Recommendations to the Government

- *Adopt quotas and temporary special measures toward the substantive equality between women and men in accordance with article 4, paragraph 1, of CEDAW and the Committee’s general recommendation No. 25 (2004);*
- *Strengthen measures to address cultural barriers that prevent women from entering decision-making and management positions;*
- *Encourage political parties to nominate higher numbers of women as candidates.*

C. Economic, social and cultural rights

34. Although Jamaica has ratified the International Covenant on Economic, Social and Cultural Rights, as well as important ILO conventions and human treaties under the regional protection system, the Constitution does not make reference to the protection of those rights. Nevertheless, Vision 2030 and several legal and policy instruments refer to service delivery on education, health, food, water, social protection and other rights. There are no appropriate legal mechanisms of redress for violations of economic, social and cultural rights. Measuring progress in this regard is also difficult, as there is no common/rights-based framework for reviewing Government policies and for measuring performance and progressive realization of such rights.

Right to the highest attainable standard of health

UPR recommendations 98.4; 98.37; 98.35; 100.16: Identify needs to strengthen capacities to overcome shortcomings of the normative and institutional framework

35. In order to protect and promote the right to health, the work of the Ministry of Health is based on a Business Continuity Plan 2014-2018, under which strategic plans on all priority areas were developed. The National Health Information and e-Health Strategic Plan 2013-2018 is a particularly important achievement. However, health services are affected in terms of allocation of funds, for instance, in the hiring of new necessary staff. While the emergence of new diseases represents a challenge for the country, Jamaica’s status as an upper middle-income country places more stringent conditions on access to aid from donors to be able to adequately respond to the new threats. Furthermore, two other factors that place additional stress on the country’s resources to uphold and improve the quality of the offered health care are the shifting importance from communicable diseases to non-communicable diseases in the demand for health services, and the demographic development of a growing percentage of older population.

36. Among the most recent legal and policy developments are the passage of the Public Health Tobacco Control Regulation in July 2013, which bans smoking in public. Also worthy of mention is the National School-feeding Policy, now at the stage of Cabinet submission. The National Programme on Family and Community Health, including neonatal health, health in children, adolescents, the elderly, and persons with disability, as well as health of ethnic groups with a focus on dental health, visual, immunization health, nutrition and HIV/STI are other areas in which the Government has made key achievements.

37. With regard to institutional developments, the Ministry of Health put in place an International Health Regulation Unit to enhance preparedness and quick responses to such new threats as the Chikungunya and Ebola viruses. Institutional arrangements were also made for disease prevention and control, covering communicable and non-communicable diseases, health information systems, health situation analysis, and basic health indicators.

38. The Ministry's National Infant and Young Child-Feeding Committee is responsible for spearheading programmes and initiatives for the improvement of infant and young child-feeding practices. At this writing, no hospitals are certified as Baby-Friendly under the Baby-friendly Hospital Initiative,⁶ although three are in line for certification by the end of 2014.

Recommendations to the Government

- *Table the Infant and Young Child Feeding policy in Parliament and develop and fund the policies to support it*
- *Strengthen measures to make all birthing centres Baby-friendly Hospital Initiative certified and maintain the certification.*
- *Pay maximum attention to gender sensitivity of programmes and policies, in particular, collecting men's health data, and management of care encouraging health-seeking behaviour in men.*

UPR recommendations 98.25, 98.26: Continue implementing programmes and measures to improve health-care service, especially for the enjoyment of quality health and education services;

Universal health coverage

39. Universal health coverage in Jamaica aims to ensure that all persons obtain the health services they need without suffering financial hardship in paying for them. The Government has concentrated on the capacity and skills of health workers and continuing education for nurses to strengthen quality healthcare, the information communication component of the general public, and health workers at large, the monitoring and evaluation of the health programmes and systems, providing critical supplies of equipment and working to develop policies and guidelines.

Recommendation to the Government

- *Seek ways to improve the social protection system for the most disadvantaged groups and individuals so as to make it affordable, for instance, in terms of transport, medication and loss of income when using the health service.*

Sexual and reproductive health rights

40. The Government of Jamaica, through the Ministry of Education's programme in schools on Health and Family Life Education (HFLE) continued to be committed to comprehensive sexuality education for young people. In September 2012, following public controversy and allegations of inappropriate content for young people in the secondary level curriculum, the Ministry of Education temporarily withdrew the document from schools in order to review and revise it. In the interim, schools were advised to use an older version of the curriculum so that HFLE instruction was not disrupted. The episode also sparked considerable public dialogue on sexuality education and created space for several youth-advocates and youth-serving organizations to bring further attention to the sexual health needs of young people and the gaps in their access to services. The revised secondary curriculum was reintroduced in September 2013.

41. Inconsistencies in the legislative and policy environment surrounding adolescent reproductive health in Jamaica⁷ have contributed to a situation in which young people have difficulties to access reproductive health services, which are critical in preventing unintended or unwanted pregnancies and sexually transmitted infections, including HIV.

42. A 2013 report issued by the Ministry of Health on the legislative and policy environment for adolescent reproductive health in Jamaica confirmed that, while *Reproductive Health Policy Guidelines* exist in the Ministry of Health for health-care providers to deliver sexual and reproductive health services to minors, particular pieces of legislation negate the effect of the policy by deeming such delivery as tantamount to "aiding and abetting a criminal activity".⁸ A high-level meeting of the Ministers of Health, Education, Youth and Culture, and of Foreign Affairs and Foreign Trade in August

⁶ Ten hospitals lost the certification acquired in prior years.

⁷ Under Jamaican law, a minor under the age of 16 cannot consent to sexual activity, and under sect. 10 of the Sexual Offences Act (2009), it is an offence for anyone to have sex with a person under the age of 16. Health-care workers face a challenge, in that provision of information or advice on safe sexual practices, or of contraceptives to adolescents, could be construed as causing, encouraging or assisting a child sexual offence.

⁸ The Ministry of Health had also informed UNFPA that several medical practitioners were afraid to deliver services to minors, as they were threatened with prosecution by the Centre for the Investigation of Sexual Offences and Child Abuse.

2013 led to a review of legislation allowing health-care providers to deliver service to minors without prosecution. It is currently under discussion.

Recommendations to the Government

- *Enact legislation and policy guidance that will permit health-care providers to deliver sexual and reproductive health services to minors without fear of prosecution.*
- *Ensure the sexual and reproductive health of young people is a priority.*
- *Scale up, standardize and strengthen youth-friendly sexual and reproductive health services.*

Prevention and treatment of HIV/AIDS

43. According to 2014 models, approximately 1.8 per cent of the adult population, or 30,265 persons, currently live with HIV. Higher prevalence ranging from 4 to 32 per cent is noted in key populations. Marked success has been seen in the prevention of new HIV infections and reduction in AIDS-related deaths. Besides, the Government of Jamaica has recognized the inextricable link between health and development and has dubbed HIV a threat to this development.⁹

44. In 2013, the Government conducted a legal review to provide a snapshot of Jamaica’s compliance with the applicable international legal standards in HIV/AIDS and human rights. At the policy level, important steps were taken with the National HIV Workplace Policy and the National Policy for the Management of HIV in Schools. The National Programme Policy (the National HIV/STI Programme) addresses issues of HIV-related stigma and discrimination, but does not address discrimination in the health sector and broader society being faced by persons living with HIV and populations most vulnerable to contracting the virus, such as MSM and sex workers.

45. Funding for the HIV response remains mainly externally supported, but over the years there has been a steady increase in Government contribution. A national AIDS Spending Assessment is currently being undertaken and will shed light on specific areas of expenditure and beneficiary population.

Recommendation to the Government

- *Implement the recommendations for amendments to local laws, as indicated by the HIV legal Assessment.*

UPR recommendation 98.27. Continue implementing actions aimed at reducing maternal mortality

46. A situation analysis on maternal health in 2012 provided updated information regarding the implementation of elements of the Framework and highlighted areas for priority intervention. This provided for a proposal to the European Union, in collaboration with the Ministry of Health and the Planning Institute of Jamaica, to mobilize 44 million Euro¹⁰ for maternal health interventions in Jamaica through the Programme for Maternal and Child Health, the aim of which is to achieve the international standard of less than 70 maternal deaths per 100,000 live births by 2030.

47. During the reporting period, the Ministry of Health developed public awareness materials and messages to sensitize the public on signs of complications during pregnancy as a means of supporting health promotion around the issue. It also developed a comprehensive, multifaceted Family Health Programme which aims to reduce infant, under-five, and maternal mortality.

Recommendation to the Government:

- *Accelerate the strengthening of surveillance and health systems to improve quality of care to pregnant women and mothers.*

Right to food

UPR recommendation 98.29: Continue to implement the country’s strategies and plans for socio-economic development, particularly with a view to reducing poverty

48. Jamaica’s food needs are sufficiently met by local production and a high level of imports. However, access to good quality food by vulnerable groups in the population has been threatened by unfavourable economic conditions, which have negatively impacted on employment creation and the growth of real wages vis a vis significant increases in food prices. In order to address these and other challenges, in 2013, Jamaica developed the National Food and Nutrition Security

⁹ HIV is highlighted as a priority in Vision 2030 Jamaica and its accompanying frameworks.

¹⁰ Jamaica is a signatory to the Multi Country Maternal Mortality Reduction Plan in the Americas (2012).

Policy (FNS) and the National Food and Nutrition Security Action Plan (NFNSAP). Both FNS and NFNSAP focus on actions that will benefit all households with special emphasis on improving access to food by vulnerable groups, such as small, poor producers, elderly, children, youth, women and consumers. The Government also proposes to enact the Food Security Law to ensure that State institutions utilize a designated minimum level of locally produced foods through their procurement programmes.

Recommendations to the Government:

- *Form the Inter-Ministerial Committee on Food and Nutrition Security approved by Cabinet to oversee implementation of FNS and NFNSAP.*
- *Identify and map groups vulnerable to food insecurity and increase their access to food through social safety nets and social protection programmes.*

Climate change, disaster preparedness and human rights

UPR recommendation 98.34: Continue to develop and implement strategies to counter the negative impacts of climate change in cooperation with/assistance from the international community

49. The country's susceptibility to natural disasters is a threat to the stability of human settlements and infrastructure, with longer-term implications for human rights and security. Climate change and disaster risk reduction are therefore two priorities outlined in Jamaica's Vision 2030. The Government established the Ministry of Water, Land, Environment and Climate Change in 2012, appointed a Climate Change Advisory Committee and established the Climate Change Division in September 2014 to coordinate national actions on climate change. The Climate Change Policy Framework and Action Plan were prepared by the Government of Jamaica and are now before Parliament.

50. The policy, planning and project documents on climate change and disaster risk reduction take into account the situation of vulnerable groups, gender equality, rights of persons with disability, the poor, and people living in geographic areas most likely to be affected by natural events. The risk to human settlements and security from disasters has been heightened significantly in tandem with increased development activities undertaken within the coastal zone.

51. Jamaica's natural vulnerability to extreme hazards and its location also increase the risks posed to human health, as local conditions are "favourable" for the expansion of both tropical (vector-borne) and water-related diseases. The area of emergency management and disaster preparedness of the Ministry of Health has increased the capacity of dedicated personnel to address nutrition, food safety and health in emergencies. The Ministry also conducted a safety assessment of nine hospitals to identify their strengths and weaknesses and their ability to remain operational during a disaster.

52. Although there have been concerted efforts to address gaps and challenges in disaster management and risk reduction plans, insufficient consideration has been given to climate change issues in major national social, economic and environmental policies and laws. Sectoral policies in such key sectors as energy, agriculture, tourism, health, water, forestry, land use (coastal zone) and natural (marine and terrestrial) resources have also failed to take into account the issue of climate change and how global warming could affect the sustainability of their respective sectors.¹¹

Recommendations to the Government:

- *Develop a comprehensive climate change policy, strategy and action plan.*
- *Enhance the collection of disaggregated data to assess more accurately the different kinds of vulnerability in the area of climate change and disaster risk managements.*
- *Address resilience gaps of persons with limited economic means living in vulnerable areas and settings to natural disasters or affection by climate change.*
- *Ensure provision of full information to and prior consultation with communities and individuals in cases of relocation and risk reduction, considering their housing rights, land use, access to water, development, as well as cultural factors and life style.*

¹¹Over the past five years, several policies have been developed, with keen focus on environmental protection and climate change. These include: (a) the Water Sector Adaptation Strategy for addressing Climate Change; (b) the Energy Policy 2009-2030; (c) the Carbon Emissions Trading Policy; (d) the National Renewable Energy Policy, 2010-2030; (e) the National Energy-From-Waste Policy, 2010-2030; (f) the Energy Conservation and Efficiency Policy; (g) the Biofuels Policy; (h) the National Hazard Risk Reduction Policy; (i) the National Strategy and Action Plan on Biological Diversity in Jamaica; and (j) the National Policy on Ocean and Coastal Zone Management. Some of these policies remain in draft form, or have yet to be formally adopted by the relevant authorities. In other cases, they have failed in addressing the issue of climate change in a comprehensive manner.