

Universal Periodic Review

(22nd session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Jamaica

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	16/03/2006 Ratification	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not the state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	14/06/1983, Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	27/09/2010, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	04/05/2007, Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The **Constitution of Jamaica of 1962, under its Chapter III, “Charter of fundamental rights and freedoms” as amended in 2011¹**, states in its **article 13.3 (k)** “the right of every child- [...] (ii) who is a citizen of Jamaica, to publicly funded tuition in a public educational institution at the pre-primary and primary levels”. **Article 17** provides that: “1) Every person shall have the right to freedom of religion including the freedom to change his religion and the right, either alone or in community with others and both in public and in private, to manifest and propagate his religion in worship, teaching, practice and observance. [...] (3) Every religious body or denomination shall have the right to provide religious instruction for persons of that body or denomination in the course of any education provided by that body or denomination whether or not that body or denomination is in receipt of any government subsidy, grant or other form of financial assistance designed to meet, in whole or in part, the cost of such course of education. (4) No person attending any place of education, except with his own consent (or, if he is a minor, the consent of his parent or guardian) shall be required to receive religious instruction, or to take part in or attend any religious ceremony or observance, which relates to a religion or religious body or denomination other than his own.” **Article 13. 1 (b)** provides that “all persons in Jamaica are entitled to preserve for themselves and future generations the fundamental rights and freedoms to which they are entitled by virtue of their inherent dignity as persons and as citizens of a free and democratic society”, including “the right to freedom from discrimination on the ground of- (i) being male or female; (ii) race, place of origin, social class, colour, religion or political opinions.” (**article. 3 (i)**)

Legislative Framework:

3. The legislative framework of Jamaica is composed of the following:

- i) “*The Education system in Jamaica became regulated with the **Education Act of 1965 (The Act)**.*²
- ii) *The **Education Regulations, 1980 (commonly called the Education Code)**, an extension of the Act, prescribe the details of administration.*
- iii) *The **University Council of Jamaica Act 1987**³ – This Act established the University Council of Jamaica (UCJ) in 1987 as a statutory body currently under*

¹ <http://pdba.georgetown.edu/Constitutions/Jamaica/jam62.html> ,
<http://www.unesco.org/education/edurights/media/docs/f85b780f6f4f466abb1ee75fee13f1e4d31f2d80.pdf> ,

http://moj.gov.jm/sites/default/files/laws/Ja%20%28Constitution%29%20Order%20in%20Council%201962_1.pdf

² <http://www.moj.gov.jm/laws/statutes/The%20Education%20Act.pdf> ,
<http://www.unesco.org/education/edurights/media/docs/fa510e2667cf997190aa28c148a0a7fe4a04af3c.pdf>

the Ministry of Education and Youth (MOEY). The mission of UCJ is to increase the availability of University level training in Jamaica, through accreditation of institutions, courses and programmes for recognition and acceptability. The Council is empowered to confer degrees, diplomas, certificates and other academic awards and distinctions on those who have pursued courses

- iv) *The **National Council on Education Act, 1993** establishing the National Council on Education (NCE), which has among its functions, the nomination of persons for appointment of Boards, the orientation and training of Board Members and advice to the Minister on policy matters, and the management of the Education Trust Fund.*
- v) *The **Financial Management Regulations, 1996** which prescribe the rules for the management of Government assets and funds and is an extension of the Financial Administration and Audit Act (FAAA) and Institutions 1977.*
- vi) *The **Human Employment Resource Training (HEART) Act, 1982**⁴ – The Act established the body called HEART Trust. The Trust has many functions and some of these are: to develop, encourage, monitor and provide finance for, training schemes for employment of trainees; to provide employment opportunities for trainees; to promote employment projects; to establish and maintain high standards in technical and vocational education and training; to approve and certify courses to be pursued by persons desirous of obtaining technical and vocational education and training, etc.*
- vii) *The **Early Childhood Commission Act, 2003**⁵ established a body called the Early Childhood Commission.*
- viii) *“The [...] **Early Childhood Act and its attendant Regulations** (2005) established a legal framework and standards by which the operations of Early Childhood Institutions (ECIs) are in Jamaica governed. The Act and Regulations outline the minimum operating standards that all ECIs must achieve in order to ensure that all children have equity and access to quality Early Childhood Development programs within healthy, safe and nurturing environments. The Early Childhood Act came into force in November 30, 2007 [...].”⁶*
- ix) *The **Jamaica Teaching Council Bill** of 2012 which aims “To provide for the establishment of the Jamaica Teaching Council, consequential amendments to the provisions of the Education Act dealing with the Teachers Service Commission, and for the introduction of a system of teacher licensing”, has been passed in 2014.⁷*

Institutional Framework:

³ <http://www.moj.gov.jm/laws/statutes/University%20Council%20of%20Jamaica.pdf> ,
<http://www.unesco.org/education/edurights/media/docs/a585369e0f8f94ed8dcedbf32ddb8516280b9ff3.pdf>

⁴ <http://www.moj.gov.jm/laws/statutes/The%20Human%20Employment%20and%20Resource%20Training%20Act.pdf>

⁵ <http://www.moj.gov.jm/laws/statutes/The%20Early%20Childhood%20Commission%20Act.pdf>

⁶ National Report of Jamaica by the Planning and Development Division, submitted within the framework of the 48th International Conference on Education, 2008, p. 5.,
http://www.ibe.unesco.org/National_Reports/ICE_2008/jamaica_NR08.pdf, Accessed on 06/03/2014

⁷ GOJ 2013-2014, p1
<http://www.cabinet.gov.jm/files/GOJ%20Legislation%20Programme%202013-2014.pdf>

4. According to The Directory of Educational Institutions 2012/2013⁸:

“Schools have been grouped into six regions as listed below:

Region I. Kingston– Kingston and St. Andrew;

Region II. Port Antonio – St. Thomas, Portland and St. Mary;

Region III. Brown’s Town – St. Ann and Trelawny;

Region IV. Montego Bay – St. James, Hanover and Westmoreland;

Region V. Mandeville – St. Elizabeth, Manchester and North Clarendon and;

Region VI. Old Harbour – Clarendon and St. Catherine.”

Policy Framework:

i) General information

5. In 2004, a task Force produced a report⁹ with several recommendations. “Implementation of the recommendations of the Task Force on Educational Reform saw the establishment of the Education Transformation Team (ETT) to drive the process. Several workstreams have been established in conjunction with existing staff [...]. The following are the workstreams established: School leadership and management [...], Infrastructure and facilities [...], Curriculum, Teaching and Learning [...], Behaviour Change and Community [...], Community and Stakeholder Participation [...], Modernisation [...]. Most of the activities of the Transformation Team are focused on the primary and secondary levels, as the early childhood level is coordinated by the Early Childhood Commission.”¹⁰

6. In 2009, **The Sector Plan for Education**¹¹, along with the principles laid in the *Vision 2030 Jamaica -National Development Plan* was issued. It “focuses on the formal and non-formal educational programmes from pre-primary to tertiary education. Another plan, focusing on **Training and Workforce Development**¹², targets the training institutions and programmes including training activities of secondary schools, post-secondary and tertiary institutions in preparation for the labour market.”¹³

7. In March 2011, The Ministry of Education of Jamaica issued **The Alternative Secondary Transitional Education Programme (ASTEP)**. “This programme will be a two (2) year transitional programme designed to provide a safety net for the approximately 9,000 children

⁸ The Directory of Educational Institutions 2012/2013,
<http://moe.gov.jm/sites/default/files/Directory%202012.pdf>

⁹ Task Force on Educational Reform, Jamaica, A Transform Education System, 2004
<http://www.jis.gov.jm/EducationTaskForce.pdf>

¹⁰ National Report of Jamaica by the Planning and Development Division, submitted within the framework of the 48th International Conference on Education, 2008, pp. 2-3.,
http://www.ibe.unesco.org/National_Reports/ICE_2008/jamaica_NR08.pdf, Accessed on 06/03/2014

¹¹ Vision 2030 Jamaica for education,
http://planipolis.iiep.unesco.org/upload/Jamaica/Jamaica_Vision_2030_Education_sector_plan.pdf
(accessed on 10/07/14)

¹² Vision 2030 Jamaica, Training and Workforce Development Sector Plan
http://planipolis.iiep.unesco.org/upload/Jamaica/Jamaica_Vision_2030_Training_sector_plan.pdf

¹³ Vision 2030 Jamaica for education, p4
http://planipolis.iiep.unesco.org/upload/Jamaica/Jamaica_Vision_2030_Education_sector_plan.pdf
(accessed on 10/07/14)

annually, who at the end of the primary level will require special support and intervention.”¹⁴

ii) Inclusive Education

8. **The School Feeding Programme**, launched in 1976, and **the Programme of Advancement Through Health and Education (PATH)** aim at helping the most needy and vulnerable in the society by assisting them or delivering them cash grants.¹⁵

iii) Teachers

9. **The Jamaica Teachers Association (JTA)**¹⁶ was created on April 2, 1964 and “is a democratic organization dedicated to the professional, financial and social advancement of its members and the promotion of the highest educational standards for the country.”¹⁷

iv) Gender equality

10. According to the **policy document** entitled *Education: The Way Upward* (2001), “the issue of **gender imbalance** in the education system” is of serious concern. To regain some balance, a special effort will be made in curriculum development and delivery to **engage both boys and girls in the learning process**.

11. “A 14-member **Gender Advisory Committee (GAC)** has been established, through the Ministry of Development, to develop a national gender policy which will guide the government’s decisions regarding equality between the sexes.”¹⁸

Cooperation:

12. Jamaica is **party** to the 1960 UNESCO Convention against Discrimination in Education since 16/03/2006.

13. Jamaica **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

14. However, Jamaica **did not report** to UNESCO within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) **Eighth Consultation** of Member States (covering the period 2006-2011).

¹⁴ The Alternative Secondary Transitional Education Programme (ASTEP), p 5

http://planipolis.iiep.unesco.org/upload/Jamaica/Jamaica_ASEP_final.pdf

¹⁵ National Report of Jamaica by the Planning and Development Division, submitted within the framework of the 48th International Conference on Education, 2008, p. 7,

http://www.ibe.unesco.org/National_Reports/ICE_2008/jamaica_NR08.pdf, Accessed on 06/03/2014

¹⁶ www.jamaicateachers.org.jm/

¹⁷ Jamaica Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 22

¹⁸ Jamaica Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 18

15. Jamaica did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

c) **Fourth Consultation** of Member States (covering the period 2005-2008),

d) **Fifth Consultation** of Member States (covering the period 2009-2012).

16. Jamaica **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it **did report** to UNESCO within the framework of the **Second Consultation** of Member States (2011).

17. Jamaica is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

17. Freedom of expression is guaranteed under Chapter III Articles 13 and 22 of the Jamaican Constitution (1999).¹⁹

18. Defamation was decriminalized on 5 November 2013 by the House of Representatives.

19. The Access to Information Act came into effect in 2004.²⁰

Media Self-Regulation:

20. Despite the presence of professional organizations such as the Media Association of Jamaica and the Press Association of Jamaica, the country lacks fully developed self-regulatory mechanism in the media.

Safety of Journalists:

21. UNESCO recorded no killing of journalists in Jamaica between 2008 and 2013. Journalists generally work in a safe environment.

III. RECOMMENDATIONS

Right to education

22. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**²¹

¹⁹ <http://pdba.georgetown.edu/constitutions/jamaica/jam62.html>

²⁰ <http://moj.gov.jm/sites/default/files/laws/The%20Access%20to%20Information%20Act.pdf>

²¹ <http://www.upr-info.org/en/review/Jamaica/Session-09---November-2010/Review-in-the-Plenary-session#top>

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

- i) A - 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);
- ii) A - 98.25. Continue implementing programmes and measures to ensure the enjoyment of **quality** health and education services for the whole of its population (Cuba);
- iii) A - 98.28. Continue to strengthen **education cooperation with international educational organizations** (China);
- iv) The following recommendations enjoy the support of Jamaica, which considers that they have already been implemented or are in the process of implementation:
- v) A - 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);
- vi) A - 99.12. Take measures to eradicate **traditional stereotypes of women**, especially through educational programmes that promote gender equality and women's rights (Netherlands);

24. The following recommendations do not enjoy the support of Jamaica:

- vii) R - 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);

25. Analysis

Jamaica, through various long-time plans, aims at improving the quality of education. However, no specific focus has been put either on human rights education or discrimination on gender or sexual orientation.

26. Specific Recommendations for the second UPR cycle:

26.1. Jamaica is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

26.2. Jamaica could be encouraged to further promote gender equality.

26.3. Jamaica could be encouraged to further promote human rights education.

26.4. Jamaica could be encouraged to pay particular attention to increasing access to education for disadvantaged and marginalized groups, such as boys from impoverished or rural areas and children with disabilities.

Freedom of opinion and expression

27. Jamaica is encouraged to develop self-regulatory mechanism in the media.

Cultural rights

28. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Jamaica is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Jamaica is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

29. With regard to contribution of science and technology to development, Jamaica is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.