

**AMNESTY
INTERNATIONAL**



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Item 6:
Consideration of UPR reports

Jamaica

Mr. President,

Amnesty International welcomes Jamaica's engagement with the Universal Periodic Review and its acceptance of recommendations to establish and operationalize a National Human Rights Institution, in accordance with the Paris Principles.

We welcome the establishment and work of the Independent Commission of Investigations (INDECOM) and note the decline in killings by state agents in 2014 compared with 2013. However, local human rights organizations continue to express concern over obstacles faced by INDECOM in carrying out its functions, including lack of cooperation from members of the police force, and under-resourcing. As recommended during the review,¹ we call on Jamaica to provide INDECOM with the necessary financial and human resources to effectively carry out its mandate, including for timely ballistics and forensic analysis. We remain concerned by the serious delays at the Coroner's Court and the Supreme Court, and call on Jamaica to ensure the Special Coroner in charge of fatal police shootings has the necessary resources to carry out its functions.

Amnesty International welcomes the government's appointment of a Commission of Enquiry to investigate alleged human rights violations during the 2010 state of emergency. At that time 76 civilians were killed; 44 of them allegedly extrajudicially executed by the security forces.² We remind Jamaica that the Commission of Enquiry should complement, not substitute, an independent, impartial and properly resourced

¹ Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review – Jamaica*, A/HRC/30/15, recommendation 120.46 (Australia).

² Amnesty International, *Jamaica: a long road to justice? Human rights violations under the state of emergency* (Index: AMR 38/002/2011).

criminal justice process. As such, the Commission must refer to the relevant prosecutorial bodies should it obtain information indicating that identified individuals may have been responsible for or complicit in committing, ordering, encouraging or permitting human rights abuses. Such information should be passed to these bodies for investigation with a view to prosecution of the persons allegedly responsible in fair trials without recourse to the death penalty.

We remain concerned by detention conditions in police lock-ups and correctional facilities, and call on Jamaica to improve prison conditions, in line with the recommendation made during the review.³

We welcome Jamaica's acceptance of recommendations to promote and protect women's rights and to combat violence against women. However, we echo the concerns of seven states during the review that Jamaica lacks a general legal framework against discrimination, including with regard to discrimination on the grounds of sexual orientation and gender identity and expression.⁴

We are concerned that impunity continues for violent and hateful attacks on people based on their real or perceived sexual orientation or gender identity and expression, despite Jamaica's assertion that measures are in place "to investigate and prosecute all incidents and acts of violence targeting individuals based on sexual orientation".⁵

Mr. President,

In closing, we wish to express regret at the reluctance by Jamaica to accept recommendations to abolish the death penalty,⁶ to establish a formal moratorium on executions,⁷ and to decriminalize consensual same-sex sexual activities.⁸

Thank you, Mr. President,

³ A/HRC/30/15, recommendation 120.28 (Japan)

⁴ A/HRC/30/15, recommendations 122.24 (Mexico), 122.28 (United Kingdom of Great Britain and Northern Ireland), 122.31 (Chile), 122.34 (Italy), 122.35 (Brazil), 122.36 (Montenegro), 122.56 (Norway).

⁵ A/HRC/30/15, recommendation 119.29 (Canada).

⁶ A/HRC/30/15, recommendations 121.3 (Italy), 121.4 (Turkey), 121.5 (Chile), 121.6 (Cyprus), 121.7 (Montenegro), 121.8 (Namibia), 121.9 (Portugal), 121.10 (Rwanda).

⁷ A/HRC/30/15, recommendations 121.43 (France), 121.44 (Uruguay), 121.45 (Argentina), 121.46 (Australia), 121.48 (Estonia), 121.49 (Panama), 121.50 (Sierra Leone), 121.51 (Slovenia), 121.57 (Costa Rica)

⁸ A/HRC/30/15, recommendations 121.27 (Sweden), 121.30 (Argentina), 121.31 (Chile), 121.32 (United States of America), 121.33 (Germany), 121.38 (Slovenia), 121.39 (Slovenia)