**NATIONAL STATEMENT OF JAMAICA**

**FOR THE THIRD CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF THE HUMAN RIGHTS COUNCIL**

 **Delivered By**

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**11th NOVEMBER 2020**

**Mr. Vice-President**

**Distinguished Delegates**

**Ladies and Gentlemen**

It is my honour to present Jamaica’s 3rd Cycle Report to this Working Group Session of the Universal Periodic Review (UPR) of the United Nations Human Rights Council.

Our delegation to this Review includes representatives of the Ministry of Foreign Affairs and Foreign Trade, the Ministry of Justice and the Attorney Generals Chambers - all participating from capital, as well as the Permanent Representative and staff of our Permanent Mission to the Office of the United Nations in Geneva.

Mr. Vice-President

Please allow me, in this the 75th Anniversary of the United Nations, to highlight Jamaica’s long and cherished history as a member of this august body, actively participating in support of the promotion and protection of human rights. In 1963, as a newly-independent nation, Jamaica initiated and advocated for focused attention to defining an international human rights landscape with agreed principles, guaranteeing fundamental freedoms and rights for all peoples. We are therefore proud of our contribution to the international human rights architecture over the decades.

The Jamaican Constitution guarantees all our citizens the protection of their rights regardless of colour, class or creed. In 2011, the Charter of Fundamental Rights and Freedoms replaced Chapter III of the Constitution and expanded these rights. The Charter enshrines fundamental rights and freedoms.

Significantly, the Charter of Fundamental Rights and Freedoms applies to the State and also between individual citizens. It, therefore, inculcates respect for human rights at all levels of society by holding all persons, including the State, accountable.

Let me therefore reiterate the high importance which Jamaica attaches to this review exercise.

Mr. Vice-President,

Jamaica is ranked number six in the world and remains number one in the Western Hemisphere with respect to press freedom according to the 2020 *Reporters without Borders World Press Freedom Index*. In fact, Jamaica has, since 2016, been consistently ranked among the top ten countries in the world for press freedom. This high ranking underscores our foundation as a country that respects and upholds the rights of our fourth estate, which underpins our democracy and further strengthens democratic accountability and the protection of human rights at the national level.

**Having regard to the National Context, let me state the following:**

Our participation today is particularly significant in a context where we continue to grapple with the challenges of the COVID-19 pandemic. This has exacerbated many of our socio-economic development challenges and further threatens to impede the efforts which are underway at the national and global levels to achieve the Sustainable Development Goals.

Indeed, the strengthening of the nexus between health, economic development and human rights, is now a part of our reality as it is that of the entire world. Prior to the pandemic, Jamaica’s reform programme to stabilize the economy, reduce debt, and fuel economic growth and job creation had begun to reap significant dividends. For the first time in almost 20 years, public debt fell below 100% of GDP in 2019. It was on track to decline below 60% by 2025.  The rate of unemployment also fell to a historic low of 7.2% in October 2019 - almost half the rate at the start of the reform programme - and the gender unemployment gap closed significantly.

However, the economy is now expected to contract by over 5 percent and unemployment has risen. Furthermore, government revenues are estimated to decline by double digits, even as expenditure needs rise to meet emergency health services as well as social and economic support.

Nevertheless, the Government of Jamaica continues its journey on the path of national transformation through *Jamaica’s 2009 National Development Plan* *Vision 2030* which is fully aligned with the Sustainable Development Goals of the globally agreed- Agenda 2030. The Government has also implemented strategies to lower the country’s crime rates, boost economic growth and environmental sustainability, and reduce the rate of chronic non-communicable diseases (NCDs), as well as poverty levels, particularly rural and child poverty.

Mr. Vice-President,

I will now provide an overview of specific developments since the Second Review Cycle in respect of the recommendations accepted by Jamaica, the majority of which have been successfully implemented.

I begin with the **Consultative Process.**

The Government of Jamaica now has an Inter-Ministerial Committee on Human Rights (IMCHR), established by Cabinet approval in 2018, and chaired by the Ministry of Foreign Affairs and Foreign Trade. It facilitates dialogue among a wide range of stakeholders, including civil society representatives, on the implementation of Jamaica’s obligations under various human rights treaties and related reporting activities to treaty bodies. I must underscore here that this process of inclusive and broad-based multi-stakeholder consultations also informed the preparation of Jamaica’s National Report for this Review.

**Acceptance of international norms**

Jamaica is party to seven of the nine core international human rights instruments. Since the presentation of our Second Cycle in 2015, Jamaica also ratified the Convention concerning Decent Work for Domestic Workers in 2016; we acceded to The Hague Convention on the Civil Aspects of International Child Abduction in 2017; signed the Regional Agreement on Access to Justice in Environmental Matters in Latin America and the Caribbean in 2019; and more recently, in October 2020, ratified the Treaty on the Prohibition of Nuclear Weapons.

Jamaica has also submitted reports to the relevant treaty bodies in respect of its ongoing implementation of the following:

* the Convention on the Rights of Persons with Disabilities,
* the Convention on the Elimination of All Forms of Racial Discrimination, and
* the Convention on the Elimination of All Forms of Discrimination against Women.

Mr. Vice-President,

On Issues **Relating to Gender Equality**

The National Policy for Gender Equality (NPGE, 2011) adopted in 2011, underscores the Government’s unwavering commitment to achieving gender equality, through a range of policy and legislative measures that are geared towards increased gender mainstreaming, underpinned by principles of social justice, human rights, equality and equity; good governance, accountability, transparency and participation. The Government has adopted an inclusive approach that focuses on men and women to combat gender-based violence (GBV), advance gender equality and promote economic balance and growth.

In addition, under the leadership of the Bureau of Gender Affairs (BGA), the Government has worked in collaboration with international partners such as the United Nations Development Programme (UNDP) to further strengthen gender equality programmes and initiatives, such as the 2016 Gender Equality Seal (GES) Programme, which seeks to promote gender equality and the empowerment of women, including through the creation of equitable conditions for women and men in the workplace.

In addition, the Government has been placing increased focus on improving the number of women in leadership and decision-making positions.

In this regard, Policy Guidelines were developed in 2018 on the Nomination, Selection and Appointment of Board Members of Public Bodies[[1]](#footnote-1) in Jamaica, to promote women’s participation on public boards. Let me also highlight that while there is still more to do, the current composition of Jamaica’s Parliament reflects an increase in the participation of women in decision-making to the highest level in Jamaica’s history.

Jamaica is also notably the only Caribbean country participating in the Win-Win: Gender Equality means Good Business Programme, which is being implemented in Latin America and the Caribbean (LAC). This programme focuses on strengthening the leadership of women in business.

The BGA is currently implementing the National Strategic Action Plan to Eliminate Gender-based Violence (NSAP-GBV 2017-2027), which was approved on 10thJuly 2017. The plan provides for an integrated, multi-sectoral and structured approach to addressing the key issues and challenges of GBV, with a strategic focus on victims, survivors, perpetrators, and witnesses of acts of violence. Its approach is also centred on human rights principles, and guides stakeholders in understanding and fulfilling their obligations under international instruments, which preserve non-discrimination and protect against human rights violations.

The establishment of a Gender Advisory Council (GAC) was also approved by Cabinet on 8th January 2018, for a period of three (3) years. The Council is a multi-sectoral body charged with guiding the implementation, monitoring and evaluation of the National Policy for Gender Equality and the approved National Strategic Action Plan to Eliminate Gender-based Violence in Jamaica (NSAP-GBV) 2017-2027.

The Government is also in the process of setting up regional shelters that will provide a safe-haven for women fleeing situations of domestic abuse.I am pleased to report that one shelter has been completed, and in addition to being the first child-friendly centre, when fully optimized, will also offer a range of counselling, reintegration and training support services to victims.

Mr. Vice-President,

On **Human rights education and training**

The protection of human rights and the rule of law remain priorities for the GOJ, as is evidenced by the initiatives undertaken thus far. The Ministry of National Security (MNS) is currently developing the Law Enforcement (Protection of Integrity) Act, which will define the standards of operation for all individuals engaged in law enforcement activities, to include consideration for human rights and further, enhance public confidence in law enforcement agencies. Training seminars to build the capacity of the police in children’s rights and appropriate child justice strategies have also been conducted by the Office of the Children’s Advocate (OCA) within the various ranks of the Jamaica Constabulary Force (JCF) in all geographic areas and Police Divisions.

The GOJ is also promulgating a Less Lethal Weapons (LLW) Policy, which will provide a regime that will regulate access to less lethal devices, e.g. pepper sprays for personal protection, as well as to facilitate options for graduated use of force by security forces in the application of LLWs, e.g. electro shock weapons, thereby reducing the potential for excessive use of force against the public.

The JCF’s policy for the use of body worn cameras in police operations was drafted in 2016. Body Worn Cameras were acquired to enhance the provisions for human rights and human dignity and form part of the government’s thrust to ensure that citizens’ human rights are not violated when police officers are dealing with civilians.

Mr. Vice-President,

Let me turn now to the issue of **Conditions of detention.**

The Government of Jamaica has embarked on the development of an Offender Management Policy, which will among other things, inform the amendment of the Corrections Act, 1985 and the Parole Act, 1978. The amendments will seek to:

(i) modernize the legislative framework governing the operations of the Department of Correctional Services (DCS) (ii) improve the processes and procedures relating to the care and management of offenders; (iii) facilitate the expansion of rehabilitation and reintegration programmes; and (iv) increase compliance with and further align the Acts and the Regulations with international conventions, laws and best practices.

Mr. Vice-President,

I move to the **Prohibition of slavery, trafficking.**

The National Taskforce Against Trafficking in Persons (NATFATIP/the Taskforce), established in 2005, continues to operate as an inter-ministerial group, including membership from NGOs, with focus on the prevention and suppression of trafficking in persons (TIP), investigation and prosecution of offenders, as well as the protection and provision of assistance to victims of trafficking.

The Task Force has also been active in promoting public education campaigns and awareness-raising activities to protect against trafficking. In this regard, its first International Conference on Human Trafficking was hosted in July 2018 along with the launch in 2019 of the Anti-Trafficking in Persons (A-TIP) Clubs in approximately 20 secondary schools across the island. The Clubs are intended to equip students and teachers alike with knowledge and tools to help protect them against becoming victims.

Jamaica has also ratified the Palermo Protocol - the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In keeping with its international obligation, the Government enacted the Trafficking in Persons (Prevention, Suppression, and Punishment) Act, 2007. There has been focus on strengthening the national and legislative framework for the elimination of trafficking including through amendments (enacted in January 2018) to the Trafficking in Persons (Prevention, Suppression and Punishment) Act to allow for human trafficking cases to be tried before a Judge alone. This will include individuals who have either committed or facilitated the trafficking of children, or who withhold, remove or destroy any travel document belonging to another person. It also includes clauses to make restitution to the victims, and to provide them with protection to prevent them from being recaptured or from becoming victims of reprisals. Additionally, the Child Care and Protection Act, 2004 was amended in 2018 to increase the sentence for the sale or trafficking of a child, from imprisonment for ten years, to twenty years.

Mr. Vice-President,

I move to the **Right to education.**

The Government has been increasingly pursuing an evidence-based approach to education with focus on standardization of the curriculum and enhancing the framework and systems for assessment from the early childhood to secondary levels of education, to inform appropriate teaching and learning approaches and interventions to address specific learner needs.

Several new schools have been established and many existing ones upgraded. Emphasis continues to be placed on early childhood education. There is also increased focus on strengthening the structures for labour market relevant certification, school-to-work transition and entrepreneurship.

The needs of the vulnerable remain a priority for the Government of Jamaica. The Programme of Advancement through Health and Education (PATH) is one such initiative to address those needs. Since 2016, the budget allocation for PATH and the school feeding programme has been increased by 83%. The programme currently has approximately 307,320 registered beneficiaries receiving cash grants, which are paid on a bi-monthly basis. Seventy-three per cent of registered beneficiaries are children.

Mr. Vice-President,

The protection of the vulnerable in society, such as children, the elderly, women and persons with disabilities, remains a critical area of focus for the Government.

On issues relating to the **Protection of** **Children**

In 2015 the *Break the Silence Campaign* was launched to encourage the public, especially children to report all known or suspected cases of abuse as well as to encourage adults and children to refrain from abusing children. This campaign was accompanied by an extensive public awareness campaign which was later expanded in 2016 to include a *Break the Silence School Tour*.

In November 2017, the Office of the Children’s Registry merged with the Child Development Agency to form the Child Protection and Family Services Agency (CPFSA). Also in 2017, the Child Case Management System (CCMS) was launched with the aim to assess the needs of each child and his/her family, who access the services of the CPFSA. Family/Children’s Courts are charged with the task of making decisions and provisions for the administration of the protection and well-being of children from birth to eighteen years, along with Children’s Officers who have the responsibility of representing the rights of children brought before these courts.

There are 54 Child Care Facilities island wide, nine (9) of which are managed and operated by the GOJ through the CPFSA. Over the years, the Agency has placed greater emphasis on Living in Family Environment (L.I.F.E) Programmes, as an alternative to residential care. LIFE Programmes enable children to live in familial settings even as they are in the care of the State.

As a Pathfinder country, Jamaica launched the Global Partnership to end Violence against Children in November 2016.

As part of a long term strategic Plan focused on resolving challenges relating to children, the National Plan of Action for an Integrated Response to Children and Violence (NPACV) was launched in November 2019.

The national plan was informed by a multi-sectoral and agency consultative process, that deals with the main issues and challenges relating to children.

Further, it provides for more comprehensive initiatives promoting positive and effective parenting strategies and an increase in services that offer behaviour modification interventions to both physically abused children and for parents who resort to violence.

Mr. Vice-President,

I move to **Juvenile Justice.**

The Child Diversion Act, which was passed in 2018, embodies Jamaica’s acknowledgment of the desirability of a child’s rehabilitation and reintegration in society, in alignment with their best interests. The legislation was developed to provide alternative means of dealing with children in conflict with the law, instead of instituting criminal proceedings against children. The Act aims to provide children who have committed a diversion offence and who accept responsibility for that offence, to be admitted into a child diversion programme, unless the public interest otherwise requires.

The MOJ has established a Child Diversion Office that oversees the implementation of the Act. The Child Diversion Office is responsible for the rehabilitation of children in conflict with the law in consultation with the National Child Diversion Oversight Committee and Child Diversion Committee established in each parish.

With the support of our international partners, our Ministry of Justice is currently in the process of establishing Justice Centres in each parish in keeping with the provisions of the Child Diversion Act. There are currently five (5) Justice Centres in full operation. As at October 2020, the child diversion programme offices and committees are also fully operational in each Parish. To give effect to the Act and further ensure the care of children in conflict with the law, the 2015 Child Interaction Policy has been amended and is now replaced with the Child Interaction and Diversion Policy and Procedures. This is currently being reviewed and refined for promulgation.

Mr. Vice President,

I turn now to **Persons with Disabilities.**

Following the passage of the Disabilities Act in 2014, and initial island-wide consultations, consultants were engaged to complete the Codes of Practice as determined by the Jamaica Council for Persons with Disabilities (JCPD) to facilitate the implementation of The Disabilities Act.

In keeping with The Disabilities Act, new schools being built under the Education System Transformation Programme (ESTP) provide for access by students with disabilities. For students in older facilities, where necessary, ramps are installed to facilitate easier movement. In-service workshops are also being conducted to help teachers to better understand the behaviour of students with disabilities and how they should be treated. Within the last two years, Jamaica has added to its capacity for early intervention of disabilities in children through the opening of a Diagnostic, assessment and intervention centre in the central region at the Church Teachers’ College, Mandeville, Manchester and a Diagnostic and early intervention centre in the western region at the Sam Sharpe Teachers’ College, Montego Bay, St. James. A third is currently being constructed in the eastern region at the College of Agriculture, Science & Education.With the inclusion of the Mico University College Child Assessment and Research in Education (CARE) Centre, established in 1981 in Kingston, this will bring the total to *four* CARE Centres in Jamaica.

Mr. Vice-President,

I want to turn attention to the foundation issue of the **Right to development *– general measures of implementation*.**

We are advancing the climate change agenda at the national level through a range of policy initiatives as well as the implementation of strategic adaptation, mitigation and resilience building projects and programmes.

Further to the preparation of the Climate Change Policy Framework in 2015, the Government commenced the updating of the policy to reflect 1.5°C considerations and other emerging issues. The policy framework laid the groundwork to establish and sustain an institutional mechanism that will develop, coordinate and implement policies, sectoral plans, programmes, strategies and legislation for climate change adaptation and mitigation.

Most natural disasters in Jamaica are climate-related, including drought, hurricane, tropical storms and extreme rainfall events. We have only recently been impacted by heavy rains that have caused significant damage to our road infrastructure, homes, farms, businesses and other private property. The financial toll is still being assessed by the Government but will be very difficult to meet especially in this pandemic. The successive negative impact of these events, especially on the country’s GDP, has brought to the fore the need to update the legislative and institutional frameworks, increase the resilience of the natural environment, institutional capacity building, development planning and geospatial data management. Related legislative achievements include the promulgation of the Disaster Risk Management Act (DRM), 2015 which among other things, makes provisions for the designation of Specially Vulnerable Areas and Disaster Areas to improve disaster prevention and response; as well as the Building Act 2018, which seeks to reduce the vulnerability of the built environment and ensure public safety.

Recognising its climate sensitivity, the country has undertaken research to improve understanding of climate change impacts and support decision-making.

Several transformational projects and programmes were also undertaken to support climate change adaptation and resilience, including the roll out of investment projects to advance Jamaica’s Strategic Programme for Climate Resilience. The projects, which are being implemented with support from the Climate Investment Funds, have sought to comprehensively strengthen Climate Change adaptation and build resilience in coastal and human settlements, and most importantly in key sectors such as the water, tourism, health, and agriculture sectors.

In support of mitigation efforts globally, Jamaica prepared and submitted its Intended Nationally Determined Contribution (INDC) to the UNFCCC in November 2015, which became the Nationally Determined Contribution (NDC) when the country ratified the Paris Agreement in 2017. The NDC outlined the country’s proposed efforts in reducing greenhouse gas (GHG) emissions and as such, focused primarily on the energy sector. The expected reductions are 7.8% of the emission levels (relative to 2005) by the year 2030. Jamaica was further empowered to complete and submit its revised and enhanced NDC in June 2020 as a result of focusing on other sectors such as water and transportation.

Notably, Jamaica deposited its instrument of accession to the Statute of the Small Island Developing States Dock (SIDS DOCK) in February 2017, having been associated with the trans-regional sustainable energy and climate resilience initiative since its inception in 2009 (and launch in 2010). Jamaica also deposited its instrument of acceptance of the Doha Amendment to the Kyoto Protocol in October 2020.

In September 2018, the Prime Minister of Jamaica and the President of France, were invited and agreed to co-lead the political process launched by the Secretary-General to support and advance the mobilization of climate financing, ahead of his Climate Action Summit held in September 2019. In 2019, the Green Climate Fund approved the first replenishment with pledges amounting to USD 9.8 billion. This replenishment benefitted from the political advocacy mobilized at the Climate Action Summit. Following from that involvement, Jamaica in 2019 became the first country in the English-speaking Caribbean to formally join the Coalition of Finance Ministers for Climate Action to assist governments to mobilize resources to implement climate action plans. This speaks to our firm commitment to mitigating climate change effects on our citizens and globally.

Mr. Vice-President,

I conclude by reiterating Jamaica’s commitment to the implementation of the agreed recommendations of the Universal Periodic Review, for the purpose of protecting the human rights of our citizens and upholding our demonstrable respect for the rule of law.

In spite of the significant progress achieved that I have outlined here, Jamaica faces specific challenges. These include capacity constraints and our vulnerability to external shocks which pose very real constraints to the country’s ability to implement the full range of measures which we would wish all our citizens to enjoy. The current pandemic is a very real example of a high impact external shock.

The Government of Jamaica will strive to further improve on existing measures towards the advancement of the civil, political, social, economic and cultural rights of all citizens, while giving special attention to the protection of the most vulnerable. We also thank our many bilateral and multilateral partners, who have offered technical and other assistance to ensure the development of national capacities to meet our obligations to the people of Jamaica. We will continue to rely on their support as we strive to strengthen the human rights and dignity of the Jamaican people.

Mr. Vice-President

Jamaica looks forward to very fruitful and constructive engagement during this Third Review Cycle. I will turn over to you to take us through the first segment of the Interactive Dialogue.

I thank you.

1. As defined in the Public Bodies Management and Accountability Act [↑](#footnote-ref-1)