**SECOND STATEMENT OF JAMAICA**

**TO THE THIRD CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF THE**

**HUMAN RIGHTS COUNCIL**

**Delivered by**

**SENATOR THE HONOURABLE KAMINA JOHNSON SMITH**

**MINISTER OF FOREIGN AFFAIRS AND FORIGN TRADE OF JAMAICA**

**11th NOVEMBER 2020**

**Mr. Vice-President**

**Distinguished Delegations**

**Ladies and Gentlemen**

I thank the intervening States for their recommendations and for their interest in developments in Jamaica as they relate to Human Rights.

Mr. Vice-President,

Let me address some of the recommendations that have been raised, beginning with the **Acceptance of international norms**

Jamaica is a party to the American Convention on Human Rights and the International Covenant on Civil and Political Rights which provide for a right to humane treatment and further provide that no one shall be subject to cruel, inhuman or degrading treatment or punishment. The country has also implemented various measures at the domestic level, to implement its responsibility to ensure that persons within the State’s jurisdiction or control are not subjected to cruel, inhuman or degrading treatment or punishment. Jamaica through, section 13 (2) (o) of the Charter of Fundamental Rights and Freedoms, 2011 provides for the right to protection from torture, or inhuman or degrading punishment or other treatment. The law further provides that no person shall be subjected to torture or inhuman or degrading punishment or other treatment. While Jamaica is not a party to the Convention on Torture, the inclusion of this protection in the constitution of the country demonstrates Jamaica’s commitment to recognition and respect for the inherent dignity of the human person.

Jamaica continues to support global efforts to end impunity for those who commit or are otherwise responsible for some of the most heinous crimes. To this end, Jamaica signed the Rome Statute. However, as with most other treaties, Jamaica must have legislation in place before it can proceed to ratification. The legislation is required to give domestic effect to the obligations under the treaty. This is particularly important where those obligations involve judicial processes or significant limitation on rights such as freedom of the person, movement so forth. Jamaica has commenced the legislative drafting process and assessing the administrative requirements arising from ratification of the statute. As is the case in other developing countries, particularly SIDS, the availability of resources that can be allocated to the ratification process at this time is impacted by the need to address urgent economic and social conditions. Available resources have been further impacted by the need to respond to the socio-economic and health crisis arising from the coronavirus pandemic and other recently occurring natural disasters.

Given that Jamaica has not yet ratified the Rome Statute, we would not be able to ratify the Kampala Amendments. Notwithstanding, the provisions of the Amendment are being considered as part of the legislative drafting process.

Mr. Vice-President,

I will turn to the **Application of the Death Penalty.**

Jamaica has had a longstanding *de facto* moratorium on the application of the death penalty. There have been no executions in Jamaica since 1988. However, no decision has been taken to formally abolish the death penalty from the law books.

Jamaica withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights in October 1997 and that withdrawal took effect in January 1998[[1]](#footnote-1). Nonetheless, individuals in Jamaica can submit petitions to another active international body, the Inter-American Commission on Human Rights. The rights considered in a petition to that Commission under the American Convention on Human Rights are analogous to the rights that would be considered by the Human Rights Committee under the International Covenant on Civil and Political Rights. Individual petitioners therefore, do retain the right to petition an international human rights body and do exercise that right.

Moreover, the rights listed in the Covenant are also assured to Jamaicans under our Constitution. Violations of those rights can be challenged through our Courts by way of Constitutional redress under the Charter of Fundamental Rights and Freedoms. In the circumstances, the Government of Jamaica will not re-accede to the Optional Protocol of the Covenant at this time.

A decision on the application of the death penalty is within the sovereign jurisdiction of Jamaica and a *de jure* moratorium on or the abolition of the death penalty, were it to be decided, should properly be determined collectively by the Government and citizens of Jamaica.

Mr. Vice-President,

Although I referred to gender-related issues in my opening remarks, let me share some specifics regarding **Gender-based and domestic violence, against women.** The Government’s Bureau of Gender Affairs (BGA) is being strengthened to better coordinate and oversee implementation of the National Strategic Action Plan to Eliminate Gender-based Violence (NSAP-GBV 2017-2027) and the gender-mainstreaming mandate, to achieve gender equality in line with the goals of the National Policy for Gender Equality (NPGE).

The Plan is primarily focused on violence against women and girls and is guided by the plan’s five (5) strategic priority areas to eliminate gender-based violence. The strategic priority areas include: Prevention, Protection, Investigation, Prosecution and Enforcement of Court Orders, Enforcement of Victim’s Rights to Compensation, Reparation and Redress and Protocols for Coordination of NSAP and Data Management Systems.

There is ongoing review of local legal instruments to prohibit, prevent, and respond to all forms of Gender-based Violence, and to treat all victims equally and respectfully, regardless of gender, age, ethnicity, geographical location, religious affiliation, ability, and class.

In the interim, we continue to make strides in this area. For example, a Memorandum of Understanding was signed in September 2018 between the Ministry responsible for gender affairs and the UN Women Multi-Country Office of the Caribbean to support the implementation of the Plan with funding for the *“No Excuse for Abuse Public Education Campaign”*. That campaign has increased public awareness of gender-based violence, measures for its prevention and has enhanced public understanding of the roles of government and civil society in response, guided by gender and behavioral change communication. It has also sought to address socio-cultural issues surrounding GBV. The campaign targeted women ages 15-35, men ages 15-40, survivors of violence and persons experiencing violence. It includes persons witnessing or aware of violence as well as perpetrators of abuse/violence.

On March 9 2020, Government also launched the Spotlight Initiative (SI) which is a three-year Country Programme, designed to assist Jamaica with eliminating violence against women and girls (VAWG). It is funded jointly by the European Union (EU) and United Nations (UN). The programme will address three priority areas: 1) Child Sexual Abuse, 2) Intimate Partner Violence and 3) Discrimination against vulnerable groups. This focus provides a unique opportunity to address family violence as a major public health and development issue that has significant ramifications at the individual, community and national levels.

Mr. Vice-President,

Four (4) key pieces of legislation intended to provide women and children with greater protection against domestic violence were also reviewed for strengthening by a special Joint Select Committee (JSC) of which I was a member. The Acts reviewed were the Sexual Offences Act, the Offences Against the Person Act, the Domestic Violence Act and the Child Care and Protection Act. Special emphasis has been placed on the offences and punishment with regard to: the murder of pregnant women; the assault of women, children the elderly and persons with disabilities; sexual offences and other violent crimes against women children, PWDs and the elderly. The JSC Report was adopted in the House of Representatives in December 2019 and approved by the Senate in July 2020, based on which legislative amendments are now being worked on.

The Report of the first nationally-led prevalence study on Violence Against Women (VAW), the Women’s Health Survey (WHS), was launched on 22nd June 2018 through partnership between UN Women and the Inter-American Development Bank (IDB) in collaboration with the Statistical Institute of Jamaica (STATIN). The survey provides the most current and nationally representative prevalence data. It seeks to address our data collection gap and thereby strengthen Jamaica’s policy decision-making capacity.

The Sexual Harassment (Prevention) Act is currently under consideration by a Joint Select Committee of Parliament that was established on 9th July 2019. The Committee is continuing its work to debate and consider recommendations from oral and written submissions made by the public. To date, ten (10) written submissions have been received from two (2) public sector entities, seven (7) Non-government organizations (NGOs) and one (1) private individual. While the requisite legislation is yet to be adopted, we can report that given increased sensitization to the issue of sexual harassment, a number of entities that perform public functions have already developed workplace policies on this issue.

Mr. Vice-President,

I will speak to the matter of **Cooperation with Special Procedures.**

Jamaica regards Special Procedures mandate holders as constructive players in the international human rights framework and welcomes collaboration with these mandate holders. However, visits have to be in accordance with mutually-agreed timelines, as determined on a case-by-case basis.

Jamaica has received official visits from UN Special Rapporteurs, albeit not recently. We have, however, cooperated with another critical human rights body, the Inter-American Commission on Human Rights (IACHR), which held its 172nd Period of Sessions from 3 to 10 May 2019 in Kingston at the invitation of the Government of Jamaica. In fact, this was the first such Session being held in the Caribbean.

The Commission, in February 2019, had also conducted a promotional visit throughout the Caribbean, including to Jamaica, to promote the Commission's mandates, strengthen knowledge of the mechanisms for the protection and promotion of human rights in the Inter-American system, and in a bid to strengthen dialogue with key actors working in the field of human rights.

Mr. Vice-President,

I move to **Sexual and Reproductive Health and Reproductive Rights and access to Sexual and Reproductive Health Services**

The Ministry of Health and Wellness and various stakeholders have collaborated to draft a Sexual and Reproductive Health policy that addresses every age group and risk issue. This is being finalized for adoption. The Ministry has increased its capacity to target adolescents through the Teen Hub, located in Kingston which provides sexual and reproductive advice, mental health counselling and HIV testing and counselling. The Hub recruits adolescents primarily through peer-to-peer referrals and is increasingly popular among male adolescents and the hearing impaired community. The Hub’s success has resulted in the planning of two additional Hubs to be launched.

Mr. Vice-President,

I turn now to the critical issue of the **Protection of Children**

The protection of the vulnerable in society, including our children, remains an area of prime focus for the Government.

The National Parenting Support Commission is an agency of the Ministry of Education, Youth and Information, which seeks to assist parents in developing the skills they need to raise and protect their children. The work of the commission has fostered a collaborative effort between home and school whereby parents and teachers cooperate in the education of the children.

In April 2020, the Commission, in collaboration with the United Nations Children’s Fund (UNICEF), Victoria Mutual Foundation and Fight for Peace, launched thirty-six helplines to assist parents who have expressed difficulty coping amid the Covid-19 pandemic and the challenges of online schooling due to the non-resumption of in person classes.

There are two helplines in each of the fourteen parishes, with the exception of Kingston, St. James, St. Ann, St. Catherine and Clarendon which were given additional numbers.

Likewise, the Child Protection and Family Services Agency (CPFSA) through its public relations and communication unit activated its crisis communication protocol; its contact numbers were publicized widely through the Jamaica Information Service (JIS), social media pages and mainstream media. A Child Protection Forum was held virtually in June 2020 with some 4,000 participants. Other initiatives undertaken to connect with children and to build their awareness to report Child Abuse during COVID-19include:

1. **Social Media weekly posts** - weekly posts promoting the numbers to call to report child abuse were executed.
2. **Kids Connect radio call-in programme for children** - partnership with local radio station (Power 106) in hosting a four-week programme targeting children and encouraging them to call in under the topics: child protection, education, health, cyberbullying and missing children.
3. **Media Interviews** - partnership with various media houses to participate in interviews to heighten awareness about how to report child abuse.

Mr. Vice-President,

On 19th November 2020, the CPFSA will be executing a major public education programme which will be aired on leading media (television, radio and social media) platforms. This will communicate to the nation the provisions of the National Plan of Action for an Integrated Response to Children and Violence and the role and responsibilities of all citizens to work to safeguard and protect children from violence and harm. This event will be held to mark the 1st Anniversary of the launch of the National Plan and to also mark International Child Abuse Prevention Day. It is expected to reach an audience of at least 750,000 persons.

To increase accessibility of the child-related services, the Office of the Children’s Advocate has launched its **#OCADoRoad** initiative under which certain communities with high-risk vulnerabilities for children have been targeted and ‘hot spot’ sessions will be conducted in a bid to engage children directly, identify specific needs and provide any necessary support. In addition, info-graphics have been created with mobile telephone numbers at which an Intake Officer can be reached at any time for the purposes of receiving complaints about situations in which children require intervention and assistance.

In addition, in 2018 the Government established the National Steering Committee on Child Labour (NASTOCL). The role of this multi-sectoral body is to provide leadership and guidance for the development of policies and programmes aimed at eliminating child labour. Since the inception of this Committee, significant strides have been made towards protecting our children. One gain, for example, has been the creation of non-hazardous work lists for children and the execution of capacity building sessions for diverse stakeholders on the issue of child labour.

The Child Protection and Family Services Agency (CPFSA) has also developed and provided mental health training for social workers and caregivers in addition to a suite of programmes being delivered under the Mental Health Services project. This has resulted in 150 individuals from different levels within the CPFSA network of service partners being trained. The Agency has also deployed its Mobile Mental Health Unit (SMILES) to provide psychosocial screening, assessment and intervention for children in State care with an emphasis on those being served in the residential child protection sector.

Mr. Vice-President,

I will pause here to allow for further interventions by the recommending States.

I thank you.

1. Jamaica became a party in March 1976. [↑](#footnote-ref-1)