

JAMAICA

CEDAW A/43/38 (1988)

458. The Committee considered the initial report of Jamaica (CEDAW/C.5/Add. 38) at its 116th and 120th meetings, on 24 and 26 February 1988 (CEDAW/C/SR.116 AND 120).

459. The representative of the State party informed the Committee that, in addition to the information provided by the report, she was circulating her country's national policy statement on women which had been adopted by the Jamaican Cabinet in July 1987.

460. Much remained to be done, but in ratifying the Convention the Government had been forced to examine seriously the situation of women nationally. For women in the 15 to 19 years of age group, 40 per cent had already had more than one or two children. A conservative estimate was that one third of the heads of households were women. Statistics also revealed that women constituted 46 percent of the labour force and that 75 per cent of them were in service occupations, with an estimated 58 per cent occupying professional, technical, administrative, executive and managerial positions.

461. She highlighted the legislation with direct relevance to the different articles of the Convention, such as laws related to the status of children, maternity leave, marriage, divorce and employment. Areas of incompatibility between national legislation and the Convention had been found, such as nationality and citizenship laws, the concept of domicile in relation to divorce due to adultery, and parental rights. The Office of Legal Reform in the Ministry of Justice was undertaking a review to bring national legislation in line with the Convention, including the law on nationality, which had motivated the reservation of Jamaica to article 9.

462. Regarding national machinery created to oversee the status of women, she mentioned the Bureau of Women's Affairs, established in 1975 as the central body and facilitator responsible for the issue. In 1985, a National Advisory Council on Women was established to advise the minister responsible for women's affairs, composed of senior civil servants and representatives from non-governmental organizations.

463. She wished to refer to the national policy statement on women mentioned before, since it was a political and revolutionary document reflecting the growth of a nation. Jamaica was the first English-speaking Caribbean country to develop such a policy. The elaboration of this document had required national consultations at all levels through round-table discussions, symposia, radio programmes and meetings.

464. The policy was structured around four main themes: social situation of women, Government's responsibility in redressing inequality, public policies and women's participation in planning and programming. Special measures also had to be developed to compensate for historic and current disadvantages experienced by women.

465. The plan stated the situation and the Government's proposed measures, corrective action required and the responsible agency. The fact that a clearly articulated policy was necessary suggested that a deficiency existed within current policies which retarded the complete development of women. According to Professor Joycelin Masshiah, "the objective of the national policy must be to reduce social inequities based on class, race or gender considerations; the route towards reducing gender inequality lies in the direction of increasing female autonomy and altering the structuring of gender ideologies". The role of non-governmental organizations would be imperative in the actualization of any such policy.

466. Experts were encouraged by the actions undertaken by the Government to reform and review existing laws, as well as by the formulation of a national policy on women. It was also noted that the first woman Under-Secretary-General in the United Nations system had been a Jamaican citizen. It was also remarked that Jamaica had enjoyed only 24 years of independence and that, as a young country, it showed the enthusiasm and political will to correct existing inequalities between men and women.

467. Furthermore, it was noted that the present economic crisis had reduced public services and that, in spite of such difficulties, the Government was making serious efforts to implement the Convention. Clarifications were requested regarding the systems of government and on the reasons why the reservations to the Convention had been entered. If the society was of a matriarchal nature, did it mean that women were held in higher regard than men or did it mean that they were only seen as mothers and within the context of the family.

468. Clarification was sought on the reference made in the report to customary international law. Clarification was also requested regarding section four of the Interpretation Act which stated "that in all legislation words importing the masculine gender included females". It was remarked that this reflected the male norm and made women more invisible and a question was posed on whether revisions were foreseen. Since an ombudsman had been appointed, statistical information was requested on the number of cases of violation of women's rights and it was asked whether free legal aid was available.

469. It was asked whether there were any plans to introduce temporary special measures to accelerate de facto equality. An explanation was sought on a statement in the report that certain laws maintained a difference in approach between men and women, "responding to the sensibilities of women", and on the exemption for women to serve on a jury "by reason of the nature of the evidence" in section 51 of the Jury Act, and how it was implemented.

470. With regard to measures to modify social and cultural patterns, the Committee asked whether the measures established by the Government had had any measurable impact, specially those enacted by the media and at schools. Experts were interested to get more information with regard to the use of women in these efforts. It was also pointed out that men had to be encouraged to share in household work and that it was necessary to change the perception of the role of men, and it was asked whether fathers were encouraged to assist in parental responsibilities.

471. More information was requested on the prevalence of domestic violence, the incidence of rape and the number of cases that reached the courts. Provisions applied for the protection of women

from exploitation and physical abuse dated from 1864 and experts wondered whether there was any need to amend and update them. Concerns were expressed about the definition of prostitution, penalties imposed on offenders and perpetrators, and dismay was expressed at the leniency with which child prostitution was considered. Other concerns referred to the way in which the drug problem affected women. Questions were asked regarding legislation to control or ban the use of drugs.

472. Questions were asked as to the participation of women in nation elections and political parties, the support given to them if any, and more statistical information was requested regarding women candidates for government, ministries and parliament, as well as a breakdown by sex of judges, mayors and employees in higher positions. It was also pointed out that it would be helpful to receive information as to the distribution of women and men, for example in the Foreign Ministry, at what levels women were found and what were their career prospects in comparison with men.

473. It was asked whether the present nationality legislation, which was the reason for the reservation to article 9, paragraph 2, of the Convention, reflected a way of regulating population growth.

474. It was remarked that the problem of early pregnancies in Jamaica was crucial and detrimental to women's advancement and it was asked what education pregnant school-girls could get. Experts asked whether an analysis or study had been made of the problem, whether sex education programmes had been carried out and whether counselling centres had been opened in the rural areas. More responsibility had to be placed on men's shoulders regarding sex education and it was asked whether adult education programmes were established and whether functional illiteracy was a problem. Experts also wanted to know whether education was free at all levels, whether study choices were sex biased and, if so, whether there were any programmes to remedy this.

475. The Committee expressed its worries over the apparent discrimination of women in the labour force. There was no policy which guaranteed effectively that a private sector employer hired without prejudice to sex. Clarifications were sought on subsidy payments to domestic workers, pension and disability benefits, job security and retirement age, on how the national insurance scheme worked and who paid the contributions. It was felt that the Government seemed to rely too much on the good-will of employers. It was also not clear whether the principle of equal pay for equal work was now implemented. It was asked what was the situation of women workers in free trade zones and whether they were covered by the provisions for minimum wages.

476. Experts wanted to know whether Jamaica had signed the International Labour Organisation (ILO) Convention 103 governing maternity provisions for workers.

477. More statistical and empirical material would have assisted the Committee and it was pointed out that information on infant and maternal mortality rates, the number of child births and the number of abortions should be provided.

478. It was asked whether the participation of men in family-planning services was promoted to the same extent as that of women and, since tubal ligations were carried out on women, whether vasectomies were carried out on men. Further information was requested with regard to punishment

for abortion.

479. The background material made available to the Committee by ILO indicated that the Women's Bureau provided assistance to women entrepreneurs and the experts requested information on the number of women who had applied for those services. Since financial credit was essential in fostering small business, it was asked whether credit and financing were facilitated to improve housing and agricultural development and whether women "higglers" in the informal sector had access to financial credit.

480. Land tenure and ownership was an obvious concern to rural women and additional information was requested on the current situation. Had women co-operatives been introduced as part of the projected land-reform policy, and were the same social security provisions applied to women and men working in rural areas. It was also asked how the introduction of new technology in agriculture affected women workers.

481. It was felt that the recognition of the contribution of women in marriage was long overdue in Jamaican family law and it was asked whether there were any plans to reform the law on the distribution of property. Information was requested regarding women in common law marriages, rights of children born in and out of wedlock, divorce grounds and divorce rates. It was asked whether there were any laws or customs regulating the family name of married women.

482. The representative of the State Party, in replying to questions raised by the Committee, wished to recall that Jamaica had been discovered by the Spanish in 1655 and subsequently, until 1962, had been under colonial rule by the British. For centuries it had been a plantation society whose population comprised descendants of African slaves. Therefore the struggle for the emancipation of women had to be examined within the context of slavery and colonialism and the consequences thereof.

483. In presenting Jamaica's initial report, she had been overmodest. Women in Jamaica were indeed at the vanguard of the international effort towards equality as much as they had been against colonialism in the eighteenth century.

484. Jamaica was not really a matriarchal society but rather a society where women had the responsibility for the family rather than authority.

485. Questions had been asked regarding the functions of the Bureau of Women's Affairs. It held the portfolios of social security and social affairs. It had the major responsibility to provide technical assistance and devise policy and implementation programmes through the respective ministries. In addition to other duties, it was the body in charge of the execution of the National Plan of Action on Women. It collaborated with non-governmental organizations and the private sector, including universities. Its annual budget was 1 million Jamaican dollars, which she considered small. It also established linkages with intergovernmental bodies such as the Caribbean Community, the Organization of American States and the United Nations.

486. Efforts to eradicate stereotyped conceptions about women had been launched by means of public education campaigns through the mass media. The above-mentioned programmes included

information on family planning, family violence and disabled women. Workshops had also been held to determine policy and how to work with the ministries in strategy development. Round-table discussions were held every month. Such public education mobilization also included youth groups, towards which health and sex education had been directed.

487. Nevertheless, stereotyping was a feature of society perpetuated by the media. The Bureau had lodged protests against the companies concerned with the support of women's organizations, which had resulted in the removal of such advertising campaigns.

488. An increase in domestic violence could perhaps be attributed to the fact that women were asserting themselves as a major economic force. Sexual harassment was an understated problem in Jamaica and not many complaints had been brought to court. One specific case was brought to the Bureau's attention, but the complainant had not wished to pursue the matter through the courts.

489. Crisis centres had been established to provide assistance to rape and incest victims and battered women. She provided the Committee with statistics on the number of cases reported regarding rape victims, incest cases, domestic violence, abuse of children and other age/sex ratios pertinent to these matters.

490. A programme for adolescent mothers of the Women's Centre had been established to continue the education of pregnant teenagers; a majority returned to school after the birth of the children. The average weight of children born to adolescent mothers was 2.6 kilograms, and the average age of the father was 18 to 23 years of age. The Centre was financed from donations and grants made by local and international organizations. It served as a model for other countries where it was being replicated.

491. Prostitution was illegal but endemic. Prostitutes had been one of the targets in the public information campaign against the acquired immune deficiency syndrome. A changed lifestyle had been promoted alongside with the introduction of practical measures to foster proper and adequate health care.

492. Three permanent secretary posts were filled by women and two out of 12 ambassadors, and six consul-generals were women. Seven parliamentarians, one of whom was a minister, and two ministers of State, were also women. The most senior member of parliament was a woman who had held a seat continuously for 20 years. Women were also very active at the grass-root level and held prominent posts within the parties.

493. Jamaica had entered a reservation on article 9, paragraph 2, of the Convention. However, the Government had begun a constitutional amendment process, in order to bring the constitution in line with the Convention. Jamaican women and the Government were both committed to see their reservation withdrawn in due time.

494. There was evidence to suggest that more women were attending university courses and they were beginning to enter the traditionally male field of natural sciences. Since 1982, and in order to reduce functional illiteracy, a skills training programme had been introduced.

495. National minimum wage \$ J 1.50 per hour, for a 40-hour week. Different rates applied to overtime, night-work and work on holidays. The Minimum Wage Advisory Commission worked on a national insurance scheme which required compulsory contributions for both workers and employers; the workers contributed one third and the employers two thirds.

496. Free trade zones provided job opportunities at fairly decent wages above the minimum standard established, and trade unions worked to palliate overcrowding and improve sanitation and other working condition in the plants.

497. Child mortality had declined in the 1980's. Abortion was illegal except in cases of rape or when pregnancy endangered the mother's life. Family planning programmes were geared towards men and women alike and men now were more inclined to accept vasectomies.

498. Women did have access to credit facilities through the people's co-operatives and credit union. Non-governmental groups also were active in providing loans and fund-raising both for projects and for training. The informal commercial "higglers", who were all women entrepreneurs, had accounted for 60 per cent of Jamaica's domestic economy.

499. Common law unions prevailed in Jamaica, a fact which placed women in a particularly vulnerable position. However, the law made no distinction between children born in or out of wedlock.

500. In 1986, there had been 894 recorded divorces, cruelty being the grounds for 100 of them. The Government was studying the revision of the divorce law.

501. Children were given the father's name although the mothers had the right to give their name if they wished.

502. The Committee thanked the representative for her answers which were found closer to the reality of Jamaican women than the report. A clearer picture had emerged which was justified by the enthusiasm hinted at in some statements found in the report. It was asked which of the obstacles to the implementation of the Convention seemed most difficult to overcome.

503. The representative said that attitudes presented the greatest deterrence. On one side, men had a pre-conceived notion of women and, on the other, women had excelled at being superwomen in their multiple roles outside and inside the home. She saw changes emerging and she was optimistic.

CEDAW A/56/38 (Part I) (2001)

195. The Committee considered the combined second, third and fourth periodic report of Jamaica (CEDAW/C/JAM/2-4) at its 502nd and 503rd meetings, on 26 January 2001 (see CEDAW/C/SR.502 and 503).

(a) Introduction by the State party

196. In introducing the report, the representative of Jamaica informed the Committee of some of the legal, political, social and economic challenges facing her country in the implementation of the Convention. National and global developments were far-ranging, and the situation of women had been influenced in different ways by the many contemporary realities that faced the population as a whole.

197. The representative recognized the importance of national legislation and the protection of women's rights, and noted that with regard to the implementation of those rights, her country's legal system operated against a background of traditional attitudes to women. To overcome existing stereotypes, redress imbalances and inequalities and ensure harmonization of laws with international norms and standards, a comprehensive legislative review of laws affecting women and children had been commissioned.

198. Despite the fact that many women had high academic qualifications, they remained largely under-represented in positions of influence, power and decision-making. Although some women held important senior positions in Government, equitable representation of women in politics had yet to be achieved. Similarly, women tended to be under-represented in decision-making positions in the private sector. The representative indicated that education was the primary tool for reversing stereotypical attitudes to gender roles and that there had been an improvement in the retention rates of women, particularly at the tertiary level. However, women still encountered difficulties in finding employment commensurate with their level of qualifications.

199. The representative described her Government's programmes to address poverty, violence against women, prostitution and the spread of HIV/AIDS, pointing out particular progress in the areas of education and health. However, all those efforts were affected by structural adjustment policies, globalization and a growing debt burden. She contended that, to implement new policies, the Government needed support of civil society, and she noted that an increased number of non-governmental organizations, including the National Women's Political Caucus, participated in public life.

200. Noting that poverty continued to affect all aspects of women's lives, the representative stated that poverty eradication programmes were a national priority. Several programmes on rural, inner-city women and domestic workers, whom the representative described as the most marginalized in the economy, had been initiated by the Bureau of Women's Affairs. The Government was seeking to ensure the wider integration of women in the tourism field, although the negative aspects associated with that sector, such as sex tourism, prostitution and sexual exploitation of young girls, would be monitored.

201. Within the health sector, there had been a significant reduction in the rates of maternal and infant mortality and the implementation of policies designed for cancer prevention. Prevention of sexually transmitted diseases had been integrated into family planning services, and a help line had been instituted to provide counselling and support. The representative noted that despite the significant achievements in the area of women's health, HIV/AIDS had become an issue requiring urgent national attention. Women were contracting the virus at a faster rate than men, and young people were in the age group that seemed to be at highest risk.

202. The representative explained that achievements had been made in addressing the issues of domestic violence and other forms of gender-based violence. She noted that statistics indicated a close relationship between the incidence of murder and domestic violence. Many institutional measures had been implemented to counteract domestic and other forms of gender-based violence, including sexual abuse and incest, and the Government had granted financial subventions to non-governmental organizations providing services in that area. Public education and awareness-raising were seen as vital tools in combating violence, and several of the existing laws and acts that targeted gender-based violence were being reviewed. That legislation included the Domestic Violence Act; the Offences Against the Persons Act; and the Incest Punishment Act. Additionally, a sexual harassment bill was under consideration.

203. In conclusion, the representative informed the Committee that developments in the country continued to be affected by structural adjustment programmes, globalization and the increasing debt burden. The goals of justice and equity faced challenges because of joblessness, lack of growth and the feminization of poverty. It was a priority for the Government to target the most marginalized and poorest in the society, especially women and children, to give them autonomy and choice. She noted that Jamaica was in a transitional period and was searching for new strategies to overcome current challenges. She reaffirmed her Government's commitment to live up to its obligations under the Convention and emphasized its intention to ratify the Optional Protocol.

(b) Concluding comments of the Committee

Introduction

204. The Committee commends the Government of Jamaica on its combined second, third and fourth periodic report which is in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions of the Committee's pre-session working group and the oral presentation of the delegation, which sought to clarify the current situation of women in Jamaica and provided additional information on the implementation of the Convention.

205. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

Positive aspects

206. The Committee compliments the Government of Jamaica on its work with the United Nations and regional and subregional organizations in defining national and international plans of action on

women. It also welcomes Jamaica's consistent political will in national and regional implementation programmes to strengthen action plans to improve the status of women.

207. The Committee commends the Government for its expressed political will to implement the Convention. It welcomes the Government's efforts to review and amend its legislation to comply with its obligations under the Convention.

208. The Committee congratulates the Government on its intention to sign and ratify, as soon as possible, the Optional Protocol to the Convention.

209. The Committee expresses its appreciation for the withdrawal of the reservation to article 9, paragraph 2, of the Convention, which the Government had made upon ratification.

Factors and difficulties affecting the implementation of the Convention

210. The Committee notes that the entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constitute obstacles to the full implementation of the Convention.

Principal areas of concern and recommendations

211. The Committee expresses its concern at the slowness of legal reform relating to anti-discriminatory legislation. The Committee also expresses its concern that, although the Constitution provides for the equality of all citizens, there are no constitutional remedies available to women.

212. The Committee recommends that the Constitution be amended to allow women to have access to constitutional remedies of redress. The Committee urges the Government to make the necessary legislative reforms to the Constitution in order to create an appropriate legal framework to ensure that the law is consistent with the provisions of the Convention. The Committee urges the Government to reform existing legislation and to create new legislation to protect the equal rights of women and men in regard to labour, social, family and property.

213. The Committee expresses its concern that Jamaica's passport law provides that a married woman may keep her maiden name on her passport only if she insists or for professional reasons and that in those cases, a note would be entered in her passport with the name of her husband and the fact of her marriage.

214. The Committee calls upon the Government to bring the passport law into line with article 16 (g) of the Convention.

215. The Committee expresses its concern that the Maternity Leave with Pay Act of 1979 does not cover domestic workers. It is also concerned with the disparity of eligibility and benefits to domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act.

216. The Committee calls upon the State party to revise the Maternity Leave with Pay Act 1979 to

ensure that, in accordance with international standards, all mothers receive leave with pay. It also calls upon the State party to review the Maternity Leave with Pay Act and the National Insurance Scheme with a view to removing any disparity between the eligibility of domestic workers and other female workers to benefits.

217. The Committee expresses its concern that stereotypical attitudes and behavioural patterns about the roles of women and men in the family and in society persist.

218. The Committee urges the Government to implement awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning the roles of women and girls.

219. The Committee expresses its concern that the Government lacks a clear understanding of the full range of temporary special measures, according to article 4, paragraph 1, of the Convention.

220. The Committee urges the Government to implement the full range of temporary special measures to increase the number of women in decision-making at all levels, as well as in the public and private sectors. It recommends that the Government sensitize the social partners about the importance of these measures.

221. The Committee expresses its concern that the current system of monitoring gender impact through focal points is not effective and the necessary structure is not in place.

222. The Committee urges the Government to introduce gender mainstreaming measures in all government ministries, institutions and departments, and notes that the responsibility should not fall exclusively under the purview of the Bureau of Women's Affairs. The Committee recommends that the Bureau of Women's Affairs should have the role of monitoring gender mainstreaming in all government activities. The Committee requests that further information on the gender monitoring checklist be provided in the next report.

223. The Committee expresses its concern about the high rate of teenage pregnancies.

224. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes, including availability and accessibility to affordable modern contraceptive means for both women and men. It encourages the Government to promote education programmes on reproductive rights and responsible sexual behaviour for both women and men, particularly young people.

225. The Committee expresses its concern about the persistence of gender-based violence and domestic violence, including marital rape. The Committee also expresses its concern about the high incidence of incest and rape, and the lack of a holistic Government strategy to identify and eradicate gender-based violence.

226. The Committee urges the Government to place a high priority on measures to address violence against women in the family and in society in accordance with general recommendation 19 and the Declaration on the Elimination of Violence against Women. The Committee recommends that the Government raise public awareness about violence against women and urges the Government to

strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism. The Committee urges the Government to ratify the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women in order to strengthen the Government's programmes in that area.

227. The Committee is concerned at the high incidence of poverty among various groups of women, in particular in households headed by females. The Committee recognizes that those households have been negatively affected by structural adjustment programmes and the changing global situation.

228. The Committee requests the Government to provide additional information on programmes and projects implemented to combat the negative impact of structural adjustment programme on women and to ensure that the Government's policies to eradicate poverty are continuous and do not further marginalize women.

229. The Committee expresses its concern about the working conditions of female labourers in the free-trade zone areas.

230. The Committee urges the Government to enact legislation to protect the labour rights of workers in the free-trade zone areas.

231. The Committee also urges the Government to sign and ratify the Optional Protocol to the Convention. It further urges the Government to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

232. The Committee requests that the Government provide in its next report more detailed data, statistics and information about all aspects of women in Jamaica and respond to the concerns expressed in the present concluding comments in its next periodic report, under article 18 of the Convention.

233. The Committee requests the wide dissemination in Jamaica of the present concluding comments in order to make the people of Jamaica, and particularly the Government's administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the future steps that are required to those ends. It also requests the Government to continue to disseminate widely - in particular to women's and human rights organizations - the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".