

JAMAICA

CESCR E/1990/23

134. The Committee considered the second periodic report of Jamaica concerning the rights covered by articles 6 to 9 of the Covenant (E/1984/7/Add. 30) and its initial reports concerning the rights covered by articles 10 to 12 (E/1986/3/Add. 12) and 13 to 15 of the Covenant (E/1988/5/Add.3), at its 10th to 12th and 15th meetings, held from 22 to 24 January 1990 (E/C. 12/1989/SR. 10-12 and 15).

135. The reports were introduced by the representative of the State party, who drew attention to the impact of declining activity in the extractive industries due to the contraction of the world market for raw materials on the realization of economic, social and cultural rights. Those economic difficulties were aggravated by declining production in the agricultural sector, manufacturing industries, construction and public works and by an increase in inflation and the external debt. Structural adjustment and stabilization programmes had therefore been launched with the support of the World Bank and IMF. Nevertheless, growing expenditure due to the devaluation of the Jamaican dollar had prevented the Government from coping as it would have desired with increasing requirements in the sphere of basic social services. A human resources development programme had also been launched following a recent economic upturn with a view to restoring social services, but attainment of its objectives had been compromised by the cyclone that had devastated the island on 12 September 1988.

General matters

136. As regards the general framework in which the Covenant was being implemented, members of the Committee requested information about Jamaica and its population, its general political structure, its economic, social and cultural characteristics and the general legal framework created to protect human rights in the country. They also asked what steps had been taken to inform the public about the Covenant and the reports submitted to the Committee, and what was the legal status of the Covenant. Noting that the reports had been submitted prior to the change of Government in February 1989, they asked to what extent the new Government still subscribed to those reports and whether it was emphasizing different priorities or other objectives from its predecessors. They further enquired how race affected social and economic advancement in Jamaica, what the Government was doing to identify and encourage a national identity, and whether programmes entailing international co-operation with foreign countries or United Nations bodies were being carried out to ensure the protection of the rights covered by the Covenant. Additionally, it was asked whether there was any plan to modify the country's economic structure so as to render it less vulnerable to changes in the international economic situation, to what extent environmental issues contributed to the economic difficulties limiting the enjoyment of economic, social and cultural rights, and whether certain traditional forms of common-law action were used to seek redress where economic and social rights were not being enjoyed.

137. The representative for ILO informed the Committee of the ratification and application by

Jamaica of relevant ILO Conventions as well as of the relevant conclusions and recommendations of the Committee of Experts on the Application of Conventions and Recommendations.

138. Replying to the questions raised, the representative of the State party provided information concerning the geographical and human characteristics of Jamaica, emphasizing that a large number of religions co-existed in the country, that freedom of worship was guaranteed by the Constitution, that 95 per cent of the population was of African origin and that there were no racial problems. Referring to the country's political structure, she recalled that Jamaica had been a member of the Commonwealth since 1962 and gave a short description of political activities in the country. She described its main economic activities and indicated that the authorities had for a long time been pursuing an international policy intended to provide the population with basic health and education services. Medical care was available free of charge up to the secondary level. Moreover, Jamaica with its rich heritage was endeavouring, within the framework of a multidimensional programme, to promote cultural activities, to stimulate historical research and to develop tourism. As for the general legal framework in which human rights were protected, she explained that although the various rights mentioned in the Covenant were not all listed in the Constitution, they were the subject of various legislative provisions. Should any one of those rights to be violated, individuals did not, however, have any recourse comparable to that provided for in the Constitution for civil and political rights.

139. Replying to other questions, she emphasized that the text of the Covenant had been widely disseminated throughout the country, that many articles had been published and that lectures or discussions had been organized to emphasize the importance of human rights. Moreover, the new Government intended, among other things, to remedy shortcomings in the social sector, to facilitate the purchase of property with low or intermediate incomes and to improve public transport. She also emphasized that race had nothing to do with the place occupied by the individual on the economic or social ladder, that cultural development was the responsibility of the Institute of Jamaica and Cultural Development Commission, and that the Government was taking steps to ensure that economic co-operation programmes promoted the economic and social welfare of the population - a large proportion of ODA being used for the creation of capital goods to satisfy the country's priority requirements.

140. She added that, in order to produce the Jamaican economy's dependence on international conditions, the Government had made efforts to diversify national production and to increase exports of manufactures; however, those efforts had not as yet had the desired results.

Article 6: The right to work

141. Some members of the Committee asked whether the right to work was recognized in Jamaican legislation. Noting that, according to available statistics, women suffered from the highest rate of unemployment, they asked what was the total number of women without work, whether specific programmes had been drawn up to tackle the problem, and what measures had been taken to prevent employers from assigning women to part-time work in order to evade unemployment laws. They also requested clarification of what was stated in the report to the effect that the unemployment problem would be partially solved by emigration, and in that connection asked whether the brain drain was regarded as a benefit for the economy or a problem, and what steps had been taken to prevent the

emigration of skilled labourers. It was also asked what criteria were used by Jamaica to apply the ILO Equal Remuneration Convention, 1951 (Convention No. 100). Information was also requested concerning the human resources development programme and, specifically, its financing, persons who could benefit from it and the tripartite consultations, if any, that had led up to its formulation and application. It was also asked what percentage of the active population was at present unemployed, whether measures had been taken to ensure full employment and whether there were any programmes that guaranteed a minimum standard of living to persons who were without work for reasons beyond their control.

142. In reply, the representative of the State party explained that although the right to work was not expressly recognized in Jamaican legislation, all Jamaicans had the right to earn a living by doing a job they had freely chosen. She added that the unemployment rate for women had risen to 28 per cent in February 1989 and that women doing domestic work were included in official labour statistics. The brain drain was a serious problem that the Government was trying to tackle by increasing wages, improving working conditions and reforming the administration.

143. She explained that equal pay for equal work was guaranteed by the law of 1975, that the unemployment rate for the population of working age in 1988 had been 18.9 per cent (including persons who were not seeking employment), that a five-year development plan covering the entire economy and designed to improve the employment situation was being drawn up, and that benefits were payable under the law, depending on the number of years worked by persons who lost their jobs for reasons beyond their control. The purpose of the human resources development programme was to improve the efficiency and management of social services by concentrating on the most disadvantaged social sectors. The programme, whose cost for the period 1989-1994 was estimated at \$381 million, had been initiated by the authorities and had not been the subject of tripartite consultations.

Article 7: The right to just and favourable conditions of work

144. Some members of the Committee requested information on working conditions in the “free zones”. They also asked whether wages there were lower and whether attempts were made frequently to evade work safety and maternity protection provisions. Noting that workplaces were inspected once a year, they asked whether employers were informed in advance of such inspections, what penalties could be imposed in the event of the violation of regulations and whether workers could report unsafe working conditions during the period between such inspections and without fear of reprisals on the part of the employer.

145. It was also asked what was the percentage of the Jamaican population to which collective agreements and minimum wage legislation was applicable, whether such legislation was drawn up as a result of tripartite consultations and to what extent workers and employers participated, through their respective organizations, in the decision-making process.

146. In reply, the representative of the State party explained that the free zones were administered by public bodies set up specifically for the purpose. Inspectors from the Ministry of Labour prepared quarterly reports on working conditions in factories situated in those zones, and any steps necessary

to improve working conditions could be taken on the basis of those reports. Wages in the zones were not lower than those in the rest of the country.

147. Replying to other questions, she said that employers were not informed in advance of the quarterly inspections of workplaces and that workers who felt that safety conditions in their workplace were not being respected could, during the period between inspections, draw the matter to the attention of the Ministry of Labour, which would then take any measures that might be required. Article 23 of the Constitution expressly recognized the right of workers to be represented by trade unions. Although enjoyment of that right had been restricted in the case of civil servants and members of the armed forces and the police, in practice State employees were free to enter into negotiations concerning their working conditions through representative organizations. Generally speaking, there was no special machinery designed to associate workers with the decision-making process, although in a pluralist society such as Jamaica's the workers were in a position to gain acceptance of their views. A national advisory commission consisting of representatives of the administration, the private sector and trade unions was responsible for providing the competent Minister with advice on how the minimum wage should be calculated.

Article 8: Trade union rights

148. Members of the Committee requested information on the situation concerning trade union rights and the right to strike in the free zones and on the measures taken to guarantee the right of everyone to join the trade union of his choice and the right to strike, as well as to prevent workers from being dismissed or threatened for striking, etc., while at the same time coping with the economic crisis. In addition, clarification was requested of the distinction drawn in the report between the right to strike and freedom to strike and, in particular, it was asked what measures were being taken to integrate the right to strike as guaranteed under article 8 of the Covenant in Jamaican legislation and whether there were collective bargaining mechanisms enabling workers to strike. Statistical information was also requested concerning the extent of trade union membership in Jamaica.

149. In her reply, the representative of the State party emphasized that both the Constitution and the legislation of Jamaica allowed workers to join the trade union of their choice. The labour legislation provided only for the freedom to strike, but no worker in the free zones had been dismissed or threatened for striking. Concerning the exercise of the right to strike, she pointed out that the Jamaican courts held that if an employee in exercise of his right to strike refused to provide the services he had undertaken to supply under his contract of employment, his employer was entitled to treat such action as a case of breach of contract. The practice should be seen in the specific context of Jamaica, where the practice of collective bargaining was very widespread and where employees were defended by very active trade union organizations.

Article 9: The right to social security

150. Members of the Committee wished to know why only 0.3 per cent of GNP was spent on social security, what was the relationship between social security benefits and the cost of living in Jamaica and what steps were being taken to extend the coverage of the social security system, which was limited to 27 per cent of the population in respect of old age, invalidity and labour accidents.

Additionally, further information was sought on the Government's arrangements for monitoring the social welfare situation and on the role of the Planning Institute of Jamaica in that regard. Noting the high life expectancy in Jamaica, members also wished to have a breakdown of the figures by sex and inquired, in this respect, what proportion of persons over 65 years old did not enjoy pensions rights.

151. Replying to the questions raised, the representative of the State party emphasized that the small percentage of GNP spent on social security was explained by the magnitude of the economic crisis faced by Jamaica during the 1980s. Agreements reached with the international financial institutions had led to a reduction in budgetary expenditures and, consequently, a decline in appropriations for social services. At the same time, the five-year development plan called for increased coverage and improvements in the social security system. In 1987, 7.3 per cent of the Jamaican population had been aged over 65 years, the age at which women became entitled to a pension, men having to wait until they were 67.

Article 10: Protection of the family, mothers and children

152. Members of the Committee requested detailed information on the means employed to carry out family planning policies and programmes, as well as the effects of the large number of children born out of wedlock and of families deserted by fathers on the enjoyment of the rights set forth in article 10. Additionally, it was asked whether working children and adolescents received a minimum wage, whether a maximum number of working hours had been set for this age group, and whether it was prohibited for children to undertake certain jobs. Clarification was also sought of the concept of "family" as applied in the Jamaican report and, in this regard, further information was requested on divorce, separation and their causes, on couples living together out of wedlock, and on whether there was any civil marriage law applicable to all cultures, creeds and denominations, in particular in the event of a mixed marriage. In this regard, it was asked whether the woman had the same rights as her husband with respect to their children and whether she was free to administer her own assets. Lastly, it was asked whether there were any differences in the status and rights of children born in and out of wedlock, whether special measures were taken to provide care and education for physically, mentally and socially handicapped children, and what measures were being taken to combat juvenile delinquency.

153. In her reply, the representative of the State party said that the Government's population policy was aimed at improving the people's standard of living while at the same time limiting population growth, and thus at ensuring satisfactory economic and social development. In that context, family planning programmes had an important role to play especially in respect of information and education. The National Family Planning Board, in addition to its activities in that area, had been given the task of training staff to advise families. She added that more than 370 clinics throughout the country were providing clinical and surgical care, distributing contraceptives and offering medical advice. Referring to the questions raised with regard to the family and marriage, she said that cohabitation was very widespread in Jamaica but that it was impossible to quantify its extent; while cohabitation did not confer on the two parties the same rights as a legal marriage, children born from such unions had, under the Status of Children's Act, the same rights as those conceived in a legal marriage. Annulment of a marriage was pronounced by the Supreme Court, irremedial breakdown of the conjugal relationship followed by a separation of at least one year constituted the only grounds for divorce,

and the civil marriage law applied to all.

Article 11: The right to an adequate standard of living

154. Members of the Committee asked which population groups were the most affected by the economic austerity measures and what efforts were being made to mitigate their adverse effects, whether data were available for measuring the quality of life of the middle and lower classes and whether statistics were available on income distribution in Jamaica, whether the food aid programme described in the report was reaching the rural population, and whether the target population of one million people had been assisted by that programme. Concerning the right to housing, members observed that, according to reports, the majority of urban dwellers lived in a single room and, in that regard, requested further information about the housing situation in Jamaican urban areas and about the steps taken to resolve the problem. They also wished to obtain more information on the implementation of the 1987 shelter strategy; on the extent to which funds at the disposal of the National Housing Trust had actually been used for low-income housing; on the distribution of relief money for shelter reconstruction following Hurricane Gilbert; on the effect of the new rent act on the construction of new rental space; on the percentage of households renting accommodation at rates higher than those allowed under the act; on the size of the squatter population in Kingston, Montego Bay, Ocho Rios and Negril; on the steps taken to provide adequate shelter and sanitation for labour engaged by the tourist industry on the North Coast; on how the Government dealt with the needs of female-headed households in its shelter strategy; and on how the system of protection against eviction worked in actual practice.

155. In addition, some members pointed out that according to a UNICEF study there had been, following the adoption of the austerity programme, a decline in the quality and quantity of public services, including health, education, housing and water supplies and that the cost of those services had risen. In this regard, clarification was requested of the impact of the Government's Food Aid Programme on this situation and it was asked whether specific measures had been taken to combat malnutrition.

156. In reply, the representative of the State party described the groups most affected by the economic austerity measures and outlined the objectives of the human resources development programme. These were to improve the efficiency and management of social services, to extend food programmes intended for the most vulnerable groups, to create jobs, to provide teaching materials for children in primary schools, to grant loans to small farmers and to provide solutions to the housing problem. Replying to other questions, she pointed out that poverty was greater in rural areas than in urban areas, that a large proportion of the population suffered from malnutrition and that the food aid programme covered one million persons, 600,000 persons receiving food coupons and 400,000 pupils being supported under the school food programme.

157. Referring to the questions raised in connection with the right to housing, she drew attention to the serious problems which Jamaica was facing. In 1986, for example, 121,000 housing units had no running water or sanitation and 26,000 were non-up-gradable. Existing units, moreover, were overcrowded. To deal with those problems, 2,803 housing units had already been renovated in 1988 under various housing programmes and the five-year plan called for the renovation of 3,000 units per

year and the provision of 2,500 sanitary installations. The Government's policy in that regard was aimed in particular at creating suitable market conditions, at channelling capital into the housing sector to increase the supply, and at speeding up renovation of the housing stock, giving priority to low-income groups. She added that roughly 77 per cent of National Housing Trust loans had been granted to low-income groups.

158. She went on to explain that relief money for shelter reconstruction following Hurricane Gilbert had gone as a matter of priority to meet the needs of victims with the lowest incomes. The squatter population had increased substantially, and it seemed likely that a large number of households had moved between 1970 and 1986 into unauthorized accommodations. The policy was to allow squatters to use land and basic infrastructures and, to the extent possible, not to remove occupants from the districts concerned.

159. Referring to the effects of the austerity measures on the food aid programme, she said that poverty was indeed more widespread in rural areas than in urban areas, but that an extended family structure providing food and shelter to the needy was helping to mitigate that problem. The total amount of food aid was therefore not the only indicator of the nutritional status of the population.

Article 12: Right to physical and mental health

160. Members of the Committee asked what measures were being taken or contemplated to counter the current decline of social, and particularly health, services. Noting that farmers and the rest of the rural population did not appear to have adequate access to a clean water supply, they also requested information on the measures taken in that regard, as well as statistics on the health of the rural population. Additionally, it was asked whether there had been any significant increase in recent years in the number of reported AIDS cases and whether specific legislation had been adopted to prohibit discrimination against individuals suffering from this disease. Noting the widespread tendency in Jamaican popular music to glorify the consumption of drugs, it was asked what impact it had on Jamaican society, and what measures had been taken to combat drug consumption and whether there was a trend towards toleration, or even legalization of drug consumption.

161. In her reply, the representative of the State party described the various measures taken to counter the decline in the quality of health services, which included the renovation or construction of hospitals and clinics, the upgrading of local health services programmes, improved distribution of medicines, and the setting up of a national fund to administer and maintain the assets, buildings and equipment of the Ministry of Health. In addition, priority projects financed by donor organizations had been implemented in order to improve the drinking water supply of the rural population. The Government had also initiated a human resources development programme to combat poverty.

162. Replying to the question on AIDS, she explained that 140 cases had been reported by the end of November 1989. However, the authorities were not contemplating specific legislation in that regard, preferring to inform people and encourage them to show understanding towards those suffering from the disease. No discrimination against AIDS sufferers had been reported.

163. In reply to other questions, she emphasized that reggae was an important element of Jamaican

culture and that it had always been an extremely positive influence. In a society where everyone was assured freedom of expression, some performers had personally advocated the use of drugs but that in no way detracted from the firm commitment of the authorities and the people to combat that scourge.

Articles 13 and 14: The right to education

164. Noting that UNESCO statistics placed the literacy rate at 75 per cent in Jamaica, a drop from the 1970s, members of the Committee asked why the Jamaican movement for the Advancement of Literacy (JAMAL) had had to reduce its staff, what measures were envisaged to meet educational needs, and what sector of the population suffered from the highest rate of illiteracy. They also asked to what extent the principle of compulsory and free primary education was being implemented in actual practice. In addition, further information was sought concerning the assistance provided to persons who could not afford to attend primary and secondary school or university, on the percentage of female teachers and pupils at the primary, secondary and university levels, and on any special programmes designed to assist women in their education, thereby enhancing their employment prospects.

165. In her reply, the representative said that the illiteracy rate had been 18.02 per cent in 1987, the highest rates occurring in the 50-54 and 60-64 age groups. The law made school attendance compulsory and, during the 1987/1988 school year, 98 per cent of children aged 6 to 11 years had been enrolled in primary schools, 97.3 per cent of them being in free public schools. However, it was to be noted that despite efforts by the authorities, those children actually attending school represented only between 67 and 78 per cent of the total number enrolled.

Article 15: The right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

166. With regard to that issue, members of the Committee wished to receive information on any measure taken to implement the recommendations of the Exploratory Committee on the Arts and Culture, created in 1972, which related to the improvement of the cultural awareness of Jamaicans. Additionally, it was inquired what efforts were being made to ensure that culture was accessible to the population at large, whether theatre, music and museums were publicly subsidized, whether the resources of the media were being used to disseminate the heritage of local culture or whether they relied primarily on imported material, and whether measures had been taken to encourage the search for the nation's cultural roots.

167. In her reply, the representative said that some African elements were to be found, to varying degrees, in the nation's culture and that cultural exchanges took place with various African countries.

Concluding observations

168. Following consideration of the Jamaican reports, the Committee thanked the delegation for having answered many of the questions raised by members of the Committee and commended the

Government on its activities relating to the dissemination of information on human rights. It was, however, felt that some further details should be given and that gaps still had to be filled with respect to some questions raised during the discussion. In that connection, the Committee looked forward with interest to the further information the representative of Jamaica had promised to provide in writing. As concerned specific issues raised during the consideration of the reports, it was observed that the country had been struck by economic recession and that it was the poorest segment of the population that had been most severely affected by the measures the Government had been forced to take. In this regard, it was observed that the Government had made strenuous efforts to mitigate the adverse consequences but that they had succeeded only marginally. It was emphasized that it was precisely during such periods that those groups should be given most protection. It was also observed that individuals and groups appeared not to enjoy the fully the rights to organize, to collective bargaining and to strike. In this connection the attention of the Government was drawn to the desirability of further developing the law with respect to the right to strike. Lastly, it was recalled that although freedom of expression was a fundamental right, restrictions on that freedom in the interest of public order, public health or morals were permitted under article 19 (3) of the International Covenant on Civil and Political Rights and that such restrictions might be contemplated if necessary in the fight against drug abuse.

CESCR E/2002/22 (2001)

924. The Committee considered the second periodic report of Jamaica on the implementation of the Covenant (E/1990/6/Add.28) at its 73rd meeting, held on 21 November 2001, and adopted, at its 84th and 85th meetings, held on 28 and 29 November 2001, the following concluding observations.

A. Introduction

925. The Committee welcomes the submission of the second periodic report by the State party but regrets the absence of a delegation from the State party during the Committee's consideration of the report. A constructive dialogue with the State party's delegation would have enabled the Committee to better understand the social and economic processes in the country and their impact on the realization of economic, social and cultural rights. The Committee also regrets that the State party did not submit written replies to the Committee's list of issues (E/C.12/Q/JAM/1).

B. Positive aspects

926. The Committee takes note of the efforts of the State party to create national action plans for women, and the legislative and administrative measures it has adopted to improve the status of women in Jamaica.

927. The Committee notes that the memorandum of understanding of September 2000 between the ILO and the State party has provided the financial and technical means to enable the State party to pursue vigorously programmes to combat the worst forms of child labour.

C. Factors and difficulties impeding the implementation of the Covenant

928. The consequences of the financial crisis of 1995-1996, inflation, and the increasing cost of servicing a public debt that exceeded 140 per cent of the country's GDP in March 2000 have seriously affected the capacity of the State party to implement the Covenant.

929. The Committee notes that the persistence of certain traditions and cultural attitudes in Jamaica are serious impediments to the full enjoyment by women, girls and boys of their rights under the Covenant.

930. A pervading "culture of violence" in the State party has created a climate that is not conducive to the enjoyment of economic, social and cultural rights by members of Jamaican society, particularly women and children.

D. Principal subjects of concern

931. The Committee expresses its concern that article 24, paragraph 3, of chapter III of the Constitution does not include "sex" among the legally prohibited grounds for discrimination. The

Committee is also concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as article 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female children by males only under specially justified circumstances.

932. The Committee notes with concern the disproportion in the levels of unemployment of women: 33,600 women are unemployed as against 11,000 men. Furthermore, the Committee is concerned that 75 per cent of the unemployed reported that they have no recognized educational or vocational qualifications, thus diminishing their chances for employment.

933. The Committee is concerned that the social security scheme of the State party does not provide for universal coverage and that it excludes a considerable portion of the disadvantaged and marginalized groups in society, including older persons, single parents and persons with disabilities. The Committee expresses particular concern about the declining expenditure on social security and that the system does not sufficiently address the needs of a rapidly ageing population.

934. The Committee expresses its concern about the persistence of child labour, particularly in the informal sector. Furthermore, the Committee is concerned that the low minimum working age of 12 years is not adhered to in practice.

935. The Committee expresses its concern about the situation of boys in the State party, where serious problems exist such as increasing rates of school dropout, juvenile criminality and delinquency, a high suicide rate, drug addiction and unemployment among youth.

936. The Committee is deeply concerned about the lack of laws, policies or programmes to address explicitly the proliferation of sex tourism and its consequences which include the sexual exploitation and prostitution of women and children and the spread of sexually transmitted diseases. In particular, the Committee is alarmed that school dropout rates have increased as young girls are induced to leave school to enter the sex trade, sometimes even with the consent and encouragement of parents who benefit from their earnings.

937. The Committee is profoundly concerned about the violence that has apparently become widespread in the State party. It is reported that over 1,000 people have been murdered in the year 2001 alone and that "tribal" politics is such that warlords rule large sections of the capital city where they are involved in extortion, drugs and prostitution. The Committee is particularly concerned that violence - including domestic and sexual violence - is committed against women of all ages and against children. According to reports from non-governmental organizations, children are regularly flogged and even threatened with weapons and child-rearing practices include corporal punishment of children in the home and in schools. The fact that these acts are committed with impunity constitutes a serious violation by the State party of its Covenant obligations.

938. The Committee is concerned that more than one third of the population lives in poverty despite measures taken by the State party, such as the implementation of a National Poverty Eradication Programme. The Committee has received reports from Jamaican non-governmental organizations

that poverty rates are highest among women, particularly women who head single-parent households. The reports also state that while the State party has undertaken significant steps to improve the housing situation, thousands of Jamaicans continue to live in deplorable conditions in wooden and tin shacks with no running water or electricity. The Committee also expresses special concern for farmers who, allegedly owing to free trade agreements, are unable to compete with prices of cheaper imported foods on local markets, which has eroded their ability to provide for their families.

939. The Committee is alarmed that, according to information received from United Nations organizations, HIV/AIDS is currently the leading cause of death among men and women in the 15-44 age group. The Committee is particularly concerned that the overall mortality rate for persons infected with HIV/AIDS is 60 per cent, largely because they do not have access to affordable medicines, treatment and care. The Committee is also concerned that the prevalence of HIV infection among girls in their late teens is twice that of older women according to UNAIDS, which attributes this phenomenon to young women participating in the sex tourism trade.

940. The Committee is concerned about the health of adolescents in the State party, who are at high risk of many diseases, in particular those related to sexual and reproductive health. The Committee also notes with concern the rising incidence of teenage pregnancies, leading to higher mortality rates related to abortion of unwanted pregnancies and to higher dropout rates for girls who leave school to take care of their babies.

941. The Committee is also concerned that clandestine abortion is the cause of a large number of deaths due to infections and complications from procedures performed under unsanitary conditions by untrained personnel and that it is one of the leading factors in the high maternal mortality rate in the State party.

942. The Committee expresses particular concern about the inadequate level of State expenditure on education, accompanied by a decline in the quality of education. It is reported that recent statistics from the State party show that 40 per cent of children who complete primary education can neither read nor write.

E. Suggestions and recommendations

943. The Committee recommends that the State party take steps to amend article 24, paragraph 3, of chapter III of the Constitution to include constitutional prohibition of discrimination on the grounds of sex. The Committee further recommends that the State party consider amending the Acts mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

944. The Committee urges the State party to implement without further delay the National Policy Statement on Women of 1987, which was accepted by Cabinet with a view to providing the means to mainstream gender into all government ministries and their policies. The Committee requests the State party to include information in its third periodic report on progress made under this policy statement.

945. The Committee recommends that the State party provide proper vocational training and education for men and women in order to enhance their employment opportunities, and formulate work creation strategies and policies aimed specifically at women in the labour force.

946. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2, paragraph 1, of the Covenant.

947. The Committee recommends that the State party continue as a matter of priority the implementation of its September 2000 memorandum of understanding with ILO, and requests that the State party in its third periodic report provide detailed information on the measures taken and the progress achieved in this regard. The Committee particularly urges the State party to review the minimum working age, with a view to increasing it, and to endeavour to enforce the minimum age more rigorously. The Committee also urges the State party to ratify ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

948. The Committee requests the State party in its third periodic report to provide detailed information, including comparable statistics over time, on the situation of boys and the measures it has undertaken to address the problems enumerated above (para. 935).

949. The Committee recommends that the State party undertake urgently legislative and administrative measures to prohibit and penalize sex tourism and the exploitation of women and children in this regard.

950. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that in undertaking measures to combat violence, respect for human dignity and protection of human rights must be ensured at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children.

951. The Committee requests the State party to provide in its third periodic report detailed information, including comparative statistical data over time disaggregated on the basis of sex, age and urban/rural areas, on the extent of poverty in the country. The Committee also requests information on the measures taken to address the problem of poverty with regard to different groups in society, especially the more disadvantaged and marginalized groups, as well as information on the results of such measures. The Committee refers the State party to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

952. The Committee strongly requests the State party to provide information in its third periodic

report on the situation of HIV/AIDS in Jamaica, the legislative and administrative measures taken by the State party to address the multiple dimensions of the epidemic - prevention programmes, access to medicines, treatment and care, as well as measures to protect the population from the disease - and on the results of such measures.

953. The Committee urges the State party to ensure the provision of education on sexual and reproductive health, and to facilitate access to contraceptives by adolescents where appropriate. The Committee recommends the establishment of benchmarks in this respect, on the basis of comparative data to be discussed in the next periodic report, and refers the State party to paragraphs 57 and 58 of its General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

954. The Committee requests the State party in its next periodic report to provide detailed information based on comparative data about the problem of abortion in Jamaica and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

955. The Committee urges the State party to take immediate steps to address the declining quality of education, including by seeking assistance from UNESCO in this regard. The Committee refers the State party to its General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

956. The Committee requests the State party to disseminate these concluding observations widely among all levels of society, including among government agencies and the judiciary.

957. The Committee requests the State party to submit its third periodic report by 30 June 2003, and to include in this report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations. The State party is particularly requested to take into consideration during the preparation of its third periodic report the list of issues of the Committee, which was sent to the State party in May 2001 (E/C.12/Q/JAM/1).