

## JAMAICA

### CRC A/51/41 (1996)

#### 16. Concluding observations

403. The Committee considered the initial report of Jamaica (CRC/C/8/Add.12) at its 196th to 198th meetings (CRC/C/SR.196-198), on 18 and 19 January 1995, and adopted, at its 208th meeting, on 26 January 1995, the following concluding observations.

##### (a) Introduction

404. The Committee expresses its appreciation to the State party for engaging, through a high-ranking delegation in a constructive and frank dialogue with the Committee. The Committee also welcomes the written replies submitted by the Government of Jamaica in response to the Committee's list of issues that was made available to the State party before the session.

##### (b) Positive factors

405. The Committee welcomes the commitment shown by the Government of Jamaica in fulfilling its obligations under the Convention on the Rights of the Child. That commitment is reflected in the intention to include child rights in the constitutional reform currently under way, and in the legislative review which aims at bringing national legislation into conformity with the provisions of the Convention, including through the drafting of a child care and protection act. Other welcome developments include the intention to issue a policy statement on children, the drafting of the five-year development plan for children, the holding, in cooperation with non-governmental agencies, of workshops on steps to be taken to ensure the implementation of the Convention; the adoption of a country programme for children in especially difficult circumstances; and the establishment of the Specialist Committee on Child Abuse.

406. The Committee also notes the willingness of the Government of Jamaica to seek advice and technical assistance from United Nations bodies and specialized agencies and from national and international non-governmental institutions in the field of the promotion and protection of the rights of the child in accordance with the standards set out in the Convention.

##### (c) Factors and difficulties impeding the implementation of the Convention

407. The Committee notes that severe economic and social problems have had a negative impact on the situation of children. The very high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary re-allocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights.

408. The Committee also notes the difficulties caused by some social attitudes, traditions and

prejudices.

(d) Principal subjects of concern

409. The Committee is concerned that in the framework of the legislative reform under way, a number of areas remain where national legislation has not yet been brought into full conformity with the provisions of the Convention, including its general principles, as reflected in articles 2, 3, 6 and 12. In this regard, the Committee's concerns relate in particular to the definition of the child, the need to protect children against corporal punishment and harmful information, parental responsibilities, child abuse and neglect - including sexual abuse - health issues, the minimum age of access to employment and the protection of working children, as well as the administration of juvenile justice.

410. The Committee is concerned at the lack of an overall integrated mechanism to monitor the activities designed to promote and protect children's rights. The insufficient coordination between the various governmental departments, as well as between central and regional authorities, in the implementation of policies to promote and protect the rights of the child is a matter of concern. In this connection, the Committee expresses its concern at the absence of effective mechanisms for collecting statistical data and other relevant information about the status of children, which are of paramount importance for the elaboration of targeted programmes for the implementation of the rights recognized in the Convention.

411. The Committee is worried about the effect on children of the difficult economic situation and the socio-economic disparities prevailing in the country. In this regard, it is concerned as to whether sufficient budgetary allocations are made and adequate social measures are being taken to protect children, in particular those living in poverty or belonging to vulnerable groups, from being the victims of this situation, in the light of the provisions of articles 3 and 4 of the Convention.

412. The Committee is concerned at the difficulties in ensuring the registration of children at birth. Such a situation implies the non-recognition of those children as persons before the law, which will affect the level of enjoyment of their fundamental rights and freedoms. The Committee is also concerned at the difficulties in ensuring the registration of post-natal deaths.

413. The Committee is concerned that traditional attitudes prevailing in the country may not be conducive to the realization of the general principles of the Convention, in particular as regards the persistence of gender stereotypes and the existing role distribution between boys and girls, the abusive sexual practices which might affect very young girls and the discriminatory attitude towards certain categories of particularly vulnerable children such as young single mothers, disabled children, children affected by HIV/AIDS or Rastafarian children.

414. The Committee is concerned that the measures being taken to protect children from information injurious to their well-being are insufficient, in the light of the provisions of article 17 of the Convention.

415. The lack of sufficient parental guidance and understanding by many parents of their joint parental responsibilities and the occurrence of child abuse and neglect within the family are matters

of concern. The high incidence of teenage pregnancies and female-headed households make children particularly vulnerable to sexual abuse, domestic violence, neglect and abandonment, sometimes leading to children becoming involved in activities conflicting with the law.

416. The Committee also takes note of the inadequacy of measures taken to implement the relevant provisions of the Convention with respect to the right to health, in particular in the area of preventive health care and health education.

417. The Committee is worried by the problems involved in the practical application of the right to education. The lack of adequate schooling facilities, the reduction of the educational budget, the low status of teachers, leading to a shortage of trained educators, and the insufficient measures to ensure vocational training are matters of serious concern.

418. With regard to child exploitation, the Committee is concerned that child labour continues to be a serious problem in Jamaica, particularly in the rural areas and in the informal sector, and it notes the lack of adequate labour legislation to protect child workers. The Committee is also worried about the growing number of children living and/or working in the streets where they are exposed to various forms of exploitation and abuse.

419. With regard to the administration of juvenile justice, the Committee is concerned that the present situation does not reflect the spirit and the provisions of the Convention. In particular, the Committee is alarmed at reports of lengthy pre-trial arrests and detention of children in police lockups, where they may not benefit from the safeguards recognized in the Convention in the light of articles 37 and 40.

(e) Suggestions and recommendations

420. The Committee recommends that the Government of Jamaica, within the framework of the constitutional reform and legislative review currently under way, ensure that the principles and provisions of the Convention are fully incorporated into the Constitution and other national legislation. In particular, it is suggested that the new legislation should address issues such as the definition of the child, the minimum age of penal responsibility and employment, parental responsibilities, the protection of children against abuse and neglect and the system of administration of juvenile justice. The Committee encourages the State party to seek assistance from the Centre for Human Rights in undertaking this law reform.

421. The Committee emphasizes the need to establish an effective and integrated system for monitoring the implementation of the Convention. It stresses the need actively to involve various sectors of the society in such a system, including governmental and non-governmental structures, both at the national and the local levels, as well as parliamentarians. A better coordination is also needed between national authorities and the various international agencies providing technical assistance, in order to ensure that due consideration is given, in the light of articles 3 and 4 of the Convention, to child-oriented projects and their effective implementation. The Committee recommends that a comprehensive system for the collection of data on children and trends on the realization of their rights be established in the State party. In this respect, the Committee

recommends that the Government consider the possibility of organizing a meeting to discuss, within the framework of international cooperation, the implementation of the provisions of the Convention in the light of the present observations.

422. While acknowledging the efforts made by the State party in providing relief and social assistance to families most affected by the economic situation, the Committee emphasizes that all appropriate efforts should be undertaken to ensure, to the maximum extent of available resources and within the framework of international cooperation, that sufficient resources are allocated to children. In this regard, due attention should be given to the needs of particularly vulnerable and poverty-stricken children so as to provide adequate safety nets for such children and their families in order to avoid a further deterioration of their rights.

423. The Committee recommends that a nationwide education campaign be launched to sensitize the population at large to the principles and provisions of the Convention and that a comprehensive strategy be worked out and implemented in order to increase awareness among children and adults about the rights of the child and to combat existing prejudices affecting vulnerable groups of children. The Committee suggests in particular that members of professional groups working with children or concerned with the application of the Convention such as judges, lawyers, police and staff in detention centres, teachers and social workers be given, including within the training curricula, systematic training on the Convention.

424. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures should be taken to combat traditional attitudes and stereotypes and sensitize the society to the situation and needs of the girl child, disabled children, children affected by HIV/AIDS, children living in rural areas or socially disadvantaged children and Rastafarian children.

425. The Committee recommends that further measures be taken to facilitate the registration of children, in cooperation with non-governmental organizations and with the support of international organizations.

426. The Committee stresses the need for greater efforts in developing family education and awareness of the common parental responsibilities of both parents in the light of article 18 of the Convention. Family planning information and services should be given greater attention and resources. The Committee encourages the State party to support further measures to promote early childhood development and the provision of child care services and centres for working mothers.

427. The Committee suggests that the State party take additional measures to combat violence and abuse of children, including sexual abuse. Comprehensive school guidance programmes to address the needs of children exposed to violent conditions and crisis services for children should be expanded. Programmes for the rehabilitation and reintegration of physically or psychologically disturbed and traumatized children need to be developed, with the cooperation of non-governmental organizations.

428. The State party should ensure that adequate procedures and mechanisms be developed to deal

with complaints of the ill-treatment of children, and that cases of violations of children's rights be duly investigated.

429. While recognizing important achievements of the State party in the field of immunization coverage, the Committee recommends that further efforts be made to extend and strengthen the primary health care system. Health education should also be developed so as to ensure a better understanding by the population of the benefits of preventive health care and the detrimental effects on children of the persistence of traditional practices prejudicial to their health.

430. It is suggested that a thorough review of the education system be undertaken. It is recommended that the State party request technical assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) in this regard. Measures should be envisaged to improve the quality of education, and to intensify teacher training and vocational training.

431. With respect to child exploitation, the Committee recommends that efforts to prevent and combat child labour, particularly in the informal sector, be intensified. It is suggested that the legislative review give due consideration to the issue of the minimum age for admission to employment, and that the State party consider ratifying ILO Convention No. 138 on this subject. It is recommended that Jamaica consider seeking assistance from ILO and UNICEF in this area.

432. With regard to the administration of juvenile justice, it is suggested that the necessary measures be taken to implement fully the principles and provisions of the Convention. The Committee recommends that the law reform to be undertaken in this field adequately reflect the provisions of the Convention as well as other relevant international standards, such as the Beijing Rules, the Riyadh Guidelines and the United National Rules for the Protection of Juveniles Deprived of their Liberty. It is suggested that due attention be paid to the best interests and the dignity of the child, and that deprivation of liberty be considered as a measure of last resort and for the minimum period possible. It is recommended that the State party envisage requesting technical assistance in this area from the Centre for Human Rights as well as from the Crime Prevention and Criminal Justice Branch.

433. The Committee also recommends that the report submitted by the State party, summary records of its consideration and the concluding observations of the Committee be disseminated as wide as possible within the country.

## **CRC CRC/C/132 (2003)**

### **A. Introduction**

395. The Committee considered the second periodic report of Jamaica (CRC/C/70/Add.15), at its 879th and 880th meetings (see CRC/SR.879 and 880), held on 30 May 2003, and adopted, at the 889th meeting (see CRC/C/SR.889) held on 6 June 2003, the following concluding observations.

396. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/JAM/2) which provided, inter alia, disaggregated data in various areas covered by the law. The Committee notes the open and constructive dialogue it had with the State party's high-level delegation.

### **B. Follow-up measures undertaken and progress achieved by the State party**

397. The Committee welcomes, among other things:

- (a) The establishment of the Child Support Unit (1995);
- (b) The participation in frameworks of international cooperation concerning the implementation of the Convention;
- (c) The establishment of the Office of the Special Envoy for children in 1997;
- (d) The accomplishments in the area of health, such as the National Strategic Plan for HIV/AIDS/STI (2002-2006) and the establishment of a special unit in the Ministry of Education for children with disabilities (detection and education);
- (e) The activities regarding the dissemination of the Convention.

### **C. Factors and difficulties impeding the implementation of the Convention**

398. The Committee notes:

- (a) That difficult socio-economic conditions and the high level of external debt place limitations upon the State party's financial and human resources;
- (b) That poverty, unemployment and long-standing economic and social disparities have a negative impact on respect for the rights of individual children;
- (c) That the incidence of hurricanes and other natural disasters add further difficulties to the already severe economic situation.

## D. Principal subjects of concern and recommendations

### Previous recommendations

399. The Committee regrets that some of the concerns expressed and recommendations in its concluding observations (CRC/C/15/Add.32) adopted following consideration of the State party's initial report (CRC/C/8/Add.12) have been insufficiently addressed, particularly those contained in paragraphs 18 (incorporation of the principles and provisions of the Convention into national legislation through constitutional reform and legislative review), 19 (monitoring and coordination of the implementation of the Convention, data collection), 20 (resources for children, adequate safety nets), 22 (non-discrimination) and 25 (violence, abuse). Those concerns and recommendations are reiterated in the present document.

400. The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

### 1. General measures of implementation

#### Legislation

401. With reference to the Committee's previous concluding observations (February 1995), in which the inclusion of children's rights in the Constitution and the drafting of a Child Care and Protection Act were mentioned as positive aspects, the Committee is very disappointed that eight years later these plans still have not been implemented and is concerned at the very slow legislative process of harmonization of the national legislation with the Convention. Furthermore, the Committee is concerned that the proposed Child Care and Protection Act does not fully take into consideration the provisions and principles of the Convention, inter alia the participatory rights of children.

402. The Committee recommends that the State party urgently take all necessary measures to expedite the adoption of the draft Child Care and Protection Act, ensuring that it is in compliance with the provisions of the Convention and that sufficient human and financial resources are provided for its full and effective implementation. The State party is also encouraged to consider, in this respect, that the new legislation should cover children's rights rather than solely protection provisions and to ensure that all rights of the child are part of the national legislation.

#### Coordination

403. Noting the information received on the Child Support Unit, the Programme Advisory Committee and the Children's Services Division, the Committee reiterates its concern that there is a lack of coordination in implementing all rights in the Convention.

404. The Committee recommends that the State party establish one identifiable governmental body,

e.g. a Policy Authority, for the coordination of all activities regarding the implementation of the Convention with a strong mandate and sufficient human and financial resources to carry out its coordinating role effectively.

#### Independent monitoring structures

405. While noting the information that the Child Care and Protection Act will provide for the establishment of the Child Advocate, the Committee reiterates its concern about the lack of an independent body for the implementation of the Convention. The Committee is furthermore concerned at the State party's withdrawal from the first Optional Protocol to the International Covenant on Civil and Political Rights in 1998, which eliminated the right to submit individual communications for individuals under the State party's jurisdiction and which also directly affects persons under 18 years.

406. The Committee recommends that the State party:

- (a) Establish an independent and effective mechanism, e.g. through the creation of the Office of the Child Advocate, in accordance with the Paris Principles and the Committee's general comment No. 2;
- (b) Seek technical assistance from, among others, UNICEF and OHCHR;
- (c) Consider re-acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights.

#### National plan of action

407. The Committee notes with appreciation the State party's intention to develop a national plan of action, based on the outcome document of the General Assembly special session on children held in May 2002, "A world fit for children".

408. The Committee encourages the State party to go through with its plans to develop a national plan of action and, in doing so, develop a clear and comprehensive child rights policy.

#### Data collection

409. The Committee welcomes the information that the State party, in collaboration with UNICEF, has developed JAMSTATS, a database collecting disaggregated data and using several child rights indicators on the basis of childinfo (the UNICEF database management software), and that this programme will be launched in July 2003.

410. The Committee encourages the State party to continue to strengthen this data collection system, inter alia with regard to important health indicators such as infant, under-5 and maternal mortality rates, ensuring the timeliness and reliability of both quantitative and qualitative data and using it in the formulation of policies and programmes for the effective implementation of the



Convention.

### Resources for children

411. The Committee, aware of the economic difficulties facing the State party, is nevertheless concerned that the budgets for education and health are decreasing as percentages of the national budget and that the State party has not fully complied with the provisions of article 4 of the Convention in terms of the allocation of resources for the implementation of the Convention.

412. With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations to ensure the implementation of the rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

### Dissemination

413. While noting the considerable efforts by the State party to promote awareness of the principles and provisions of the Convention through, inter alia, governmental conferences, workshops, seminars, child participation activities and the use of the media and publications, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

414. The Committee recommends that the State party continue and strengthen its awareness-raising efforts and encourages the State party to undertake systematic education and training on the rights of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, social workers, as well as children and their parents, in order to ensure that implementation of the Convention is made possible on a local, family and individual level.

## 2. Definition of the child

415. The Committee notes the preparation of the Child Care and Protection Act and thereby the efforts by the State party to bring the legal minimum ages into line with the Convention. On this aspect, it expresses its concern:

- (a) That the current minimum low working age (12 years) is not always adhered to in practice and that it is inconsistent with the age of completion of compulsory education (14 years);
- (b) About the low legal age of criminal responsibility (12 years).

416. The Committee recommends that the State party:

- (a) Raise the minimum age of admission to employment, in accordance with international standards and undertake awareness-raising campaigns in this regard;

(b) Raise the minimum legal age of criminal responsibility to an internationally acceptable age.

### 3. General principles

#### Non-discrimination

417. The Committee is concerned that:

(a) The Constitution of Jamaica does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of the child's or his or her parents' or legal guardian's language, religion, ethnic or social origin, property, disability, birth or other status;

(b) With reference, inter alia, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO/6), the State party does not pay enough attention to the problems of racial discrimination within the State party;

(c) Children with disabilities are de facto discriminated against by the absence of specific guarantees for their integration into regular schools and are hindered, inter alia, by limited access to facilities;

(d) Children who are known to be infected with HIV/AIDS are discriminated against at school by some teachers.

418. The Committee recommends that the State party amend its legislation, including the Constitution, to ensure that it fully corresponds to the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected with or affected by HIV/AIDS, children with disabilities, equality between boys and girls and racial discrimination.

419. The Committee further requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education). Best interests of the child

420. Due to the lack of information concerning the protection of the best interests of the child, the Committee remains concerned that the principle is not fully recognized and implemented in all relevant legislation and in decisions relating to children, including with regard to the administration of juvenile justice and the right to health.

421. The Committee recommends that the State party ensure that the principle of the best interests is reflected in all relevant legislation, policies and programmes for the implementation of the Convention.

### Respect for the views of the child

422. While noting the State party's efforts to ensure child participation, including through the annual child month, the Committee remains concerned that children have limited opportunities to express their views in school, in courts, within administrative processes or within the family.

423. In the light of article 12 of the Convention, the Committee recommends that the State party ensure that children's views are given due consideration in courts, schools, the family and relevant administrative and other processes concerning children through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children and the use of information campaigns, as well as through child participation in preparing the next report for the Committee.

### 4. Civil rights and freedoms

#### Birth registration

424. The Committee welcomes the measures taken by the State party to improve birth registration, e.g. mobile units visiting rural communities, but is concerned at the fact that the level of registration decreased in 2001.

425. The Committee recommends that the State party more effectively enforce the Registration Act and facilitate late registration.

#### Violence/abuse/neglect

426. The Committee is deeply concerned about:

- (a) The generally violent environment in which Jamaican children are living;
- (b) The stereotypical and discriminatory attitudes concerning the roles of women and children, including traditions of violence, abuse, including sexual abuse, and neglect.

427. The Committee urges the State party to strengthen considerably its efforts to address and condemn violence in society, including violence against women and children, particularly in the context of the family, as well as in schools and other environments. Further, it recommends that the State party take steps to monitor and address any incidents of violence and sexual or other abuse against children and take measures to ensure the rehabilitation of traumatized and victimized children by, inter alia:

- (a) Carrying out public education campaigns about the negative consequences of violence and ill-treatment of children and promoting positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system;

- (b) Taking all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in all contexts in society, as well as taking effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, thereby putting an end to the practice of impunity;
- (c) Providing care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not revictimized in legal proceedings and that his/her privacy is protected;
- (d) Taking into consideration the recommendations of the Committee adopted on its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (e) Seeking assistance from, among others, UNICEF and WHO.

## 5. Family environment and alternative care

### Family environment

428. While noting the work done, inter alia within the Poverty Eradication Programme, and the growing number of family counselling services and parental education programmes, the Committee nevertheless remains concerned about:

- (a) The large proportion of Jamaican families living in poverty, especially in rural and inner-city communities;
- (b) The difficult domestic employment situation and its negative impact on the family situation, e.g. the practice of “child shifting” and situations where one or both parents migrate, leaving the children behind;
- (c) The fact that almost half of all families are headed by female single parents and that their related poverty places children of these families at particular risk of violations of their rights;
- (d) The ongoing difficulties in the field of guidance concerning parental responsibilities.

429. The Committee recommends that the State party:

- (a) Make every effort to provide support to children within the context of the family and consider, inter alia, means of improving employment prospects for parents within the State party;
- (b) Give particular support to children in single-parent families;
- (c) Increase its attention to parenting education and needs-based counselling services, especially for fathers, and strengthen support to NGOs working to improve parenting styles. The Committee

recommends that the State party seek assistance in establishing targeted programmes from, for example, UNICEF.

#### Children deprived of a family environment

430. The Committee welcomes the information that a committee was established in January 2003 to review children's homes and to make recommendations for improvements. However, it expresses its concern about the very poor conditions of children's homes (e.g. non-compliance with fire regulations), the inadequate access to educational facilities and the incidence of sexual and other abuse implying, inter alia, the risk of STI transmission.

431. The Committee recommends that the State party:

- (a) Expedite the work of the review committee and take all necessary measures, as a matter of urgency, to improve the quality of care in children's homes and to protect children living in such homes against all forms of abuse, seeking assistance from, among others, UNICEF;
- (b) Review the existing legislation on adoption in the light of the provisions of the Convention and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

#### 6. Basic health and welfare

##### Children with disabilities

432. While noting the progress made in the area of the rights of children with disabilities, including the work done in cooperation with NGOs and United Nations agencies and, inter alia, the adoption of the Copenhagen Declaration and Plan of Action of 1995, the Committee remains concerned that:

- (a) The State party's statistics on children with disabilities may be incomplete and, in particular, do not take into consideration all children with disabilities, as can be seen, for instance, in the fact that children with disabilities are not included in government children's homes;
- (b) There are insufficient resources and no specialized staff and institutions for children with disabilities, including day-care opportunities, as well as insufficient therapeutic and training programmes for children, parents and staff;
- (c) There is no national system for early detection and intervention with regard to children with disabilities;
- (d) Insufficient efforts have been made to facilitate the inclusion of children with disabilities into the educational system and society in general, including efforts to change traditional attitudes towards persons with disabilities and to improve access to information, medical facilities, etc.

433. The Committee recommends that the State party:

- (a) Conduct a survey to identify the number of children with disabilities, including children in government children's homes, as well as causes of and ways to prevent disability;
- (b) In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their inclusion into society, inter alia, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible to children with disabilities;
- (c) Establish a national system for early detection, referral and intervention including both increased government provisions via public institutions, and community-based as well as NGO interventions;
- (d) Seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of children with disabilities, their parents and professional staff working with and for children with disabilities.

#### Health and health services

434. The Committee notes with appreciation the State party's considerable achievements in the area of health care and its awareness of and intention to further improve the health situation among children through, inter alia, the adoption of the National Health Services Act, the expansion of health programmes and campaigns and the establishment of a quality assurance programme for the training of health personnel. However, the Committee remains concerned about:

- (a) The insufficient number of health personnel, medicines and supplies to meet the needs of sick children;
- (b) The problems of environmental degradation within the State party, including air pollution and difficulties accessing safe, clean water in a number of rural and inner-city areas;
- (c) The high rates of children and adolescents who are victims of accidents and violence.

435. The Committee recommends that the State party:

- (a) Continue taking all appropriate measures to improve the health infrastructure, including through international cooperation, in order to ensure access to basic health care and services adequately stocked with appropriate basic medicines for all children, as well as by paying attention to the mental health of children and young people;
- (b) Intensify its efforts to address environmental health concerns, particularly with regard to air pollution and solid waste management, and increase access to safe drinking water and sanitation;

(c) Intensify efforts to improve safety for all children by reducing violence and abuse as well as preventing accidents through, inter alia, life-skills education campaigns and undertaking a review of existing preventive and guidance measures, including counselling, and mental health-care services.

### Adolescent health

436. The Committee is concerned that:

(a) Adolescents face particular physical and mental health risks, including from sexual abuse, violence, drug and alcohol abuse and STIs;

(b) The rate of teenage pregnancy and number of very young mothers are disturbingly high.

437. With reference to the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.75) and the Committee on the Elimination of Discrimination against Women (A/56/38, paras. 195-233), the Committee recommends that the State party:

(a) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health, substance abuse and health education in schools, ensuring the full participation of adolescents;

(b) Consider means of reducing teenage pregnancy, including by strengthening reproductive health education and education in family planning for adolescents as well as campaigns and education programmes to change attitudes towards fertility and sexuality, and ensure the provision of full health and counselling support for pregnant girls and that these girls are able to continue their formal education.

### HIV/AIDS

438. The Committee welcomes the efforts made by the State party to prevent and control HIV/AIDS, but remains concerned about the increasing incidence of the infection. The Committee is deeply concerned at the very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to the rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression.

439. The Committee recommends that the State party further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by taking into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243), and involve children when implementing this strategy.

### Social security and standard of living

440. Noting the intention to reform the social safety net for the poor, the Committee, in the light of its earlier concern about the large number of families living in poverty (CRC/C/15/Add.32, para. 20), wishes to stress that the situation is made more difficult by the lack of an efficient social security policy. The Committee is also concerned that the existing standard of living hampers children's physical, mental, spiritual, moral and social development.

441. The Committee therefore recommends that the State party strengthen its efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children. Furthermore, the Committee recommends that the State party develop and implement a poverty reduction strategy and seek assistance from the international community, including United Nations agencies and other competent bodies, in that effort.

#### 7. Education, leisure and cultural activities

442. The Committee welcomes the State party's progress in the field of education, but remains concerned about:

(a) The effectiveness of measures taken to implement the child's right to education and leisure activities in accordance with article 28, 29 and 31 of the Convention, particularly in view of the inadequacy of budget allocations;

(b) The inadequate supervision of the quality of pre-schools and primary schools and the lack of appropriate material and qualified teachers;

(c) The equality of access to education, in particular concerning boys and children from poor families;

(d) The high illiteracy rates and the poor results in regional examinations, as well as low attendance, high dropout and high repetition rates;

(e) The use of corporal punishment in schools.

443. The Committee recommends that the State party, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education):

(a) Carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities;

(b) Intensify its efforts to improve the quality of education and management of schools and continue its current efforts to address problems with regard to the standards of teaching materials and training of staff;

(c) Seek to further implement participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the



accessibility to education of children from all groups in society, particularly children from poor backgrounds, including reviewing the system of school fees; and make every effort to raise awareness in society of the importance of education for all children;

(d) Take additional steps, including non-formal measures, to address the high illiteracy rates and the poor results in national examinations; take measures to increase school attendance and reduce the high dropout and repetition rates; and give appropriate assistance to adolescents who are in the process of transition from school to work;

(e) Adopt appropriate legislative measures to combat the use of corporal punishment in the schools;

(f) Seek further technical assistance from, among others, UNICEF and UNESCO.

## 8. Special protection measures

### Economic exploitation, including child labour

444. The Committee notes the preliminary assessment of the worst forms of child labour in Jamaica (ILO/IPEC, November 2001) and the State party's expressed intention to ratify the ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). However, the Committee remains concerned about the actual child labour situation and notes the scarcity of data with regard to child labour.

445. The Committee recommends that the State party:

(a) Take further measures to assess the scope and nature of economic exploitation of children in all sectors and take the necessary measures to reduce and eliminate child labour, in close cooperation with ILO, including by introducing a separate legal provision prohibiting the employment of children under the age of 18 in hazardous work, i.e. work that is likely to be harmful to the child's full and holistic development;

(b) Take action to implement all policies and legislation relevant to child labour, inter alia through campaigns and education for the public on protection of the rights of children;

(c) Ratify and implement ILO Conventions Nos. 138 and 182.

### Street children

446. While noting that the State party is aware that the number of street children is increasing, the Committee remains concerned at the situation of street children and at the lack of specific mechanisms and measures to address this situation, as well as the lack of relevant data in this regard.

447. The Committee recommends that the State party undertake a study on the scope and causes of the phenomenon; create a legislative framework; continue and strengthen its efforts to assist street

children, including to reintegrate into their families; and take preventive measures, seeking international assistance from UNICEF and ILO in this regard.

#### Sexual exploitation and trafficking

448. The Committee is concerned at the sexual exploitation and trafficking of children, including street children, and the lack of accurate data and adequate laws and policies in this regard.

449. The Committee recommends that the State party:

(a) Undertake a study to examine the sexual exploitation of children, gathering accurate data on its prevalence;

(b) Take appropriate legislative measures and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;

(c) Implement appropriate policies and programmes for the prevention, recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

#### Juvenile justice

450. While recognizing the State party's efforts and achievements in this domain, the Committee remains concerned that:

(a) There is no independent mechanism to monitor and evaluate the situation of children in conflict with the law, including children deprived of their liberty, and the rehabilitation of juvenile offenders;

(b) The stereotypical inflexible attitudes concerning children's rights among police officers and members of the judiciary are impeding the full implementation of the Convention in this regard;

(c) Children are sometimes held in lock-ups by the police in sub-standard conditions, and that children in pre-trial detention may wait as long as a year before their case is dealt with by the court.

451. The Committee recommends that the State party, in the light of the Committee's day of general discussion on juvenile justice, develop mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). In particular, the Committee recommends that the State party:

(a) Establish an independent mechanism to monitor the situation of children in conflict with the

law, including children in juvenile detention centres, and monitor preventive, recovery and evaluation policies in this regard;

(b) Amend the legislation to ensure that children are not sentenced to life imprisonment;

(c) Strengthen its efforts to educate and sensitize police personnel, judicial personnel and other staff within the justice system to the provisions of the Convention, especially concerning the special needs of children deprived of their liberty, to ensure that the rights of the child, inter alia to be separated from adults and to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, are always respected;

(d) Take further measures to ensure that detainees under the age of 18 are not kept, or even placed, in police lock-ups in sub-standard conditions, inter alia by improving the living conditions of children on remand and encouraging communication between the police and children's officers responsible for the placement of detained children, and take further measures to introduce more alternatives to institutionalization of juvenile offenders. In this regard, the Committee wishes to emphasize that article 37 (b) of the Convention requires that detention shall be used only as a measure of last resort and for the shortest appropriate period of time;

(e) Evaluate and improve the standards of the juvenile institutions, such as the Places of Safety, including their living conditions, reintegration and psychological recovery programmes and the quality of the personnel;

(f) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.

## 9. Optional Protocols

452. The Committee welcomes the ratification in 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the signature in 2000 of the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee encourages the State party to ratify the latter.

## 10. Dissemination of reports

453. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records of the discussion and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and among the general public, including concerned NGOs.

## 11. Periodicity of submission of reports

454. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations under the Convention, the Committee invites the State party to submit its third and fourth periodic reports by 12 June 2008. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.