



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

21–25 May 2012

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues in connection with the consideration of the combined third and fourth periodic reports of Jamaica concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/JAM/3-4)

Jamaica

I. General information

1. Please provide information on whether the State party is in the process of establishing the national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).
2. Please clarify the status of the Covenant within the domestic legal system. Please indicate whether the rights contained in the Covenant have been invoked before or by national courts, either as grounds for a case or as interpretative guidance for legal norms.

Article 2, paragraph 2 - Non-discrimination

3. Please provide information on whether section 13 (2) (a) of the Constitution will be amended to include “sexual orientation, health and other status” as prohibited grounds for discrimination. Please also inform the Committee whether the Penal Code will be amended to decriminalize same-sex sexual relationships between consenting adults.
4. Please provide information on steps taken to combat and prevent stigma and discrimination against disadvantaged and marginalized individuals and groups, including persons living with or affected by HIV and AIDS, persons with disabilities and lesbian, gay, bisexual and transgender (LGBT) persons. Please specify the measures taken to ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care and education.

5. Please inform the Committee how the National Refugee Policy adopted in 2009 promotes and protects the socioeconomic rights of refugees in Jamaica.

Article 3 - Equal rights of men and women

6. Please provide information on whether the State party has implemented or plans to implement effective measures, including media campaign and education in all levels, to eliminate negative gender-biased stereotypes and practices that discriminate against girls and women in the State party. If so, please provide detailed information on such measures, including clear goals and benchmarks.

II. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

7. Please provide information on the impact of the measures taken to increase the access of women to employment in the formal economy, in particular aimed at women living in rural areas.

8. Please provide updated data concerning employment in the informal economy, including sociodemographic characteristics, industry, hours of work and earnings by different categories of work. Please specify what measures are in place to guarantee access of persons employed in the informal economy, in particular women, to basic services and social protection.

9. Please provide information on the Economic Enablement Project and National Disabilities Rights Bill mentioned in paragraph 13 of the State report (E/C.12/JAM/Q/3-4) Please also provide information on the tangible achievements of the Economic Enablement Project.

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

10. Please specify what measures are taken to address the significant wage gap between men and women.

11. Please provide information on the Draft Sexual Harassment Policy as mentioned in paragraph 38 of the State party report.

12. Please provide information on measures taken to ensure safe and healthy conditions of work, and payment of adequate wages, especially in the informal economy. Please also provide information on the Occupational Safety and Health Bill mentioned in paragraph 40 of the State party report.

Article 8- The right to form and join trade union

13. Please inform the Committee whether the Labour Relations and Industrial Disputes Act 2006 will be amended to expressly provide for the right to strike. Please comment on the information that in the private sector unionized employees are often dismissed and rehired as short-term contractors.

14. Please provide the Committee on measures taken to promote and protect the right to form and join trade unions in the export processing zones (EPZs) and comment on the information that collective bargaining to improve the working conditions or minimum wages in the EPZs is not allowed.

Article 9 - The right to social security

15. Please provide information on the reform of the current National Insurance Scheme to address the challenges, due to, inter alia, the wide coverage gap and the existence of a large informal economy mentioned in paragraph 57 of the State party report.

Article 10 - Protection of the family, mothers and children

16. Please provide updated information on the number of registered cases of domestic violence, including marital rape and sexual abuse of women and children in the family, and the sanctions imposed on perpetrators.

17. Please indicate what measures have been taken to eliminate corporal punishment of children, in particular in schools, alternative care settings and the home, including measures taken to enforce the Child Care and Protection Act.

Article 11 - The right to an adequate standard of living

18. Please provide updated disaggregated statistical data on the implementation of the National Poverty Eradication Programmes. Please provide information on the measures taken to ensure that disadvantaged and marginalized individuals and groups benefit from such poverty reduction programmes and measures. Please also provide information on the measures taken to ensure that Maroons have equal access to basic services, such as water, housing, sanitation, health care, education and social security.

19. Please indicate the specific measures implemented to address the acute housing situation, including the lack of adequate sanitary infrastructure, in urban slum areas. Please also indicate the measures implemented to provide adequate housing for disadvantaged and marginalized individuals and groups, including female-headed households, people with disabilities and population living in rural areas.

Article 12 - The right to physical and mental health

20. Please provide information on measures implemented to improve the situation of the chronic shortage of trained health professionals, particularly in rural areas. Please also provide data on the emigration of health-care personnel.

21. Please provide information on measures taken to address the high rate of teenage pregnancies. Please, also, indicate whether the family planning measures and services cover all segments of the population. Please inform the Committee whether the State party intends to broaden the conditions on which basis abortion is allowed in order to address the high level of maternal mortality due to unsafe, clandestine and illegal abortion.

22. Please provide information on measures taken to reduce the direct and indirect harmful effects of tobacco consumption, including but not limited to, the measures to prohibit smoking in enclosed public areas and the efforts made to widely disseminate scientific information regarding the harmful effect of tobacco consumption, particularly among adolescent, youth and pregnant women.

Articles 13 and 14 - The right to education

23. Please provide information on measures taken to ensure that adolescent mothers are not deprived of their right to education and are able to continue their studies.

24. Please provide information on steps taken, as well as progress achieved, to improve the overall quality of education, to increase the number of teachers, to ensure the availability of text books and other educational materials, as well as to improve the physical environment of schools, including appropriate water and sanitation facilities.

25. Please provide disaggregated statistical data on children and youth with disabilities as well as the steps taken, legislative and otherwise, to promote, protect and fulfill the right to education of persons with disabilities.

Article 15 - Cultural rights

26. Please provide further information on the measures taken to promote and protect the right to take part in cultural life in line with article 15 of the Covenant and taking into consideration General Comment No 21 (2009) on the right of everyone to take part in cultural right (paragraphs 2 and 3). Please provide information on measures taken, legislative or otherwise, to protect, preserve and promote the cultural heritage and traditional ways of life of indigenous communities, in particular Maroon communities.
