

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the List of Issues Pre-session Working Group of the CEDAW Committee for the 52nd Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State submitted to the Committee on the Elimination of Discrimination against Women.

JAMAICA

Jamaica ratified the Convention on the Rights of Persons with Disabilities on 30 March 2007.

State Report

Select references to persons with disabilities in the state report:

Special Temporary Measures to address Discrimination Against Women

86. Special temporary measures have been put in place to address discrimination against women as well as to accelerate the achievement of de facto equality of women and men under the Social Safety Net Reform Programme, the GOJ introduced a new project, the Social Protection Project (SPP), as a short-term measure designed to place emphasis on job creation, income support, provide options for further skills training and increased involvement of women. The SPP was also designed to foster continued employment especially for women as heads of households through coordination with local government and other private and public sector organizations. The programme provides grants to assist minors, pregnant mothers, the elderly and **persons living with disabilities** to assist women and their families who are falling below the poverty line.

134. It has been proposed that discrimination against **persons with disabilities** or health reasons should be made unconstitutional. Provisions will be made in the proposed Occupational Safety and Health Bill to protect persons from the practice of screening for HIV/AIDS, as a prerequisite for employment. With women and girls being the most vulnerable, it is essential that they are protected from potential discrimination.

143. The new Victims Charter came into effect to ensure that victims are protected and given fair and just treatment throughout the various stages of the justice process. These provisions will greatly benefit women and girls as they are the main victims of various crimes.

144. The Bureau of Women Affairs has made recommendations to the Justice System Reform Task Force to make special provisions for women (including the **disabled** & other vulnerable groups) and children who are affected by acts of violence, infected or affected by HIV and AIDS as well as other sexually transmitted infections (STI s).

274. There is on-going in-service education for all categories of health care workers and this includes inter-personal relations and provision of youth-friendly services. This helps to

highlight the needs of special groups such as the **disabled** and the adolescent and helps to eliminate barriers or discrimination, if any, against clients/patients including women.

295. The major focus over the period has been the provision of social services as well as the creation and strengthening of enabling legislative and regulatory environments, designed to protect the most vulnerable groups. These include children and youth, senior citizens, women, **persons with disabilities**, the poor and those who reside in deprived and rural communities. In addition to Government initiatives, there was the involvement of several stakeholders and concerned groups of non-governmental organisations (NGOs), the private sector, faith-based groups, academia, and international development partners (IDPs) through funding support and technical inputs.

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302. The strategic framework for the provision of social protection includes several national policies relating to population, senior citizens, **disability**, poverty, youth and child protection such as the National Policy for Senior Citizens. In addition, programmes and projects have expanded in scope and increased benefit levels particularly among poor and vulnerable women.

309. The **National Policy for Persons with Disabilities** continues to focus on the human rights of **persons with disabilities** to improve their status and enable them to benefit from better quality of life in areas such as education, employment, health, housing, transportation and accessibility to all areas of society. The Bureau continues to work with **persons with disabilities** to provide training and awareness-raising activities around specific legal and other issues especially gender-based violence.

315. Other national programmes were also introduced to facilitate the development and social integration of **persons with disabilities** and coordinated by **the Jamaica Council on Persons with Disability (JCPD) to assist disabled women** and their families to access social and economic benefits provided by the Government of Jamaica.

322. A project was implemented under the Private Sector Development Programme (PSDP) was initiated in 2004 to provide financial assistance to business operators in Jamaica. The programme also aimed at increasing the capacity of the productive and service sectors as well as their intermediary private sector and support institutions to grow their business and improve their competitiveness. In order to ensure equality of opportunity to all persons, a new initiative, the Economic Empowerment Grant was allocated to the Jamaica Council for Persons with Disabilities to fund small business ventures among other social and economic activities. This was geared towards providing assistance to a large number of disabled women and their families who were involved in small business ventures.

IDA suggestions for list of issues

- What steps are being taken to repeal restrictions in the Constitution (sections 37(2)(c), 40(2)(f)) which excludes persons with actual or perceived mental disability from the right to vote and to participate in public affairs on an equal basis with others in violation of Article 29 of the CRPD, which comprises the latest international standards with respect to

participation in political and public life of persons with disabilities including women with disabilities?

- What steps are being taken to address multiple discrimination experienced by women with disabilities? What steps have been taken to recognise discrimination based on disability and health as unconstitutional (see para 134, State report). Please provide details of the number and subject(s) of discrimination cases (and their outcomes) filed by women with disabilities, or representative associations on their behalf.
- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities?
- What steps are being taken to reform the law to ensure that women with disabilities exercise legal capacity on an equal basis with others and are provided with necessary support to exercise it, respecting the will and preferences of the person concerned?
- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What steps are being taken to close down institutions for children and adults with disabilities to eliminate all forms of discrimination and barriers that prevent persons with disabilities from living independently in their communities, including by providing access to needed support and by ensuring that mainstream services are accessible and available, including for children and adults with psychosocial disabilities and persons with intellectual disabilities?
- What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (See recommendation of the CRC Committee, CRC/C/15/Add.210, 2003, paras 38(a) and 39(a) in Annex below)
- What measures are being taken guarantee the implementation of inclusive education in the law and practice? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. (See recommendation of the CRC Committee, CRC/C/15/Add.210, 2003, para 39(b) in Annex below)
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?
- What steps are being taken to ratify the Optional Protocol of the Convention on the Rights of Persons with Disabilities ?

ANNEX - References to women and girls with disabilities in Jamaica by other treaty bodies and special procedures:

Report of the Special Rapporteur on Torture, Mission to Jamaica, A/HRC/16/52/Add.3, 11 October 2010

F. Persons with mental disabilities

64. Persons with mental disabilities deprived of their liberty are not held in a separate psychiatric institution, but detained in a special wing of different correctional centres. In the case of the Fort Augusta Correctional Centre, female detainees with mental health problems were scattered amidst the other detainees. At police stations, they were held together with other detainees. In the St. Catherine Correctional Centre, most of the detainees with psychiatric illnesses interviewed were forced to sleep on a concrete floor. The lack of adequate medical attention and the conditions of their detention are damaging to the physical and mental health of these particularly vulnerable persons.

71. Although the conditions in correctional facilities were better, they still varied and were generally overcrowded, lacked water and sanitary facilities, as well as meaningful opportunities for education, work and recreation, necessary for the rehabilitation and re-socialization of detainees. Consistent allegations of routine corporal punishment were also received from facilities for adults and children. The conditions for women were generally better, and there was a strict separation between male and female detainees.

CRC Committee Concluding Observations, CRC/C/15/Add.210, 2003

Non-discrimination

23. 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, or 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/CO6, 21 May 2002), 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.

24. 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 or affected by HIV/AIDS, children with disabilities, equality between boys and girls and racial discrimination.

Children with disabilities

38. 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 both 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 the access to information, medical facilities, etc.

39. 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 for 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.