



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined sixth and seventh periodic report of Jamaica at the Committee's fifty-second session, held in July 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/JAM/CO/6-7). You may recall that in the concluding observations, the Committee requested Jamaica to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 23 and 38 of the concluding observations.

The Committee welcomes the follow-up report received with a 25-month delay in September 2016 (CEDAW/C/JAM/CO/6-7/Add.1) under the CEDAW follow-up procedure. At its sixty-sixth session, held in March 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 22** of the concluding observations that the State party “amend the Sexual Offences Act, 2009 with a view to criminalizing all marital rape, with no restrictive conditions, within a clear time frame”: The State party indicated that the Houses of Parliament approved the regulations for the Sexual Offences Act to make provisions for the prosecution of rape, and other sexual offences and further provides for the establishment of a Sex Offender's Registry and a Sex Offender's Register. A Joint Select Committee of Parliament has been appointed to review the Sexual Offences Act. The Select Committee is taking submissions from the public and interested parties on proposals for amendments to the Act. However, no information is provided as to whether the review of the Sexual Offences Act will take into account the Committee's recommendation to “[a]mend the Sexual Offences Act, 2009 with a view to criminalizing all marital rape, with no restrictive conditions, within a clear time frame”.

The Committee appreciates that the State party is reviewing the Sexual Offences Act, in order to make provisions for the prosecution of rape and sexual offenses. However, it considers that the State party has not provided information whether the criminalisation of marital rape is under consideration and on the timeframe to review the Sexual Offences Act and. It considers that the recommendation **has not been implemented**.

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In relation to the recommendation that the State party “collect and compile comprehensive data on violence against women, disaggregated by sex, age and the relationship between the victim and perpetrator, and carry out an in-depth analysis of the findings and utilize them to develop and implement a comprehensive strategy to combat violence against women”: The State party indicated that the Restorative Justice Unit, Ministry of Justice commenced data collection in April 2013 in relation to the development of strategies towards the elimination of violence against women and girls. Indicators and tools have been developed to facilitate the collection of baseline data for effective based monitoring of the impact of gender-based violence. The Victim Support Unit of the Ministry of Justice was reclassified and upgraded to the Victim Services Division (VSD), in 2014. The VSD captures some data regarding offences. However due to limited resources, the information is not disaggregated by sex, age and the relationship between the victim and perpetrator. Plans are underway to improve the data collection, analysis and dissemination.

The Committee welcomes the steps taken by the State party to commence the collection of data by the Ministry of Justice in relation to the development of strategies towards the elimination of violence against women and girls. It moreover takes note of the strengthening of the Victim Support Unit, which also collects data regarding offences. The Committee however considers that the State party did not take sufficient measures to ensure that collected data on violence against women is disaggregated by sex, age and the relationship between the victim and perpetrator. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “institute a programme of public awareness to encourage the reporting of domestic and sexual violence against women and girls and ensure that all such acts are effectively investigated, victims and witnesses are protected, and perpetrators are prosecuted and sentenced within a reasonable time frame”: The State party stated that public education and training sessions are conducted by the Bureau of Gender Affairs on critical gender issues including gender equality, human rights, and self-efficacy skills to provide sensitization on the elimination of violence against women. Participants include urban and rural communities, particularly vulnerable populations. It further stated that that a draft National Strategic Action Plan to Eliminate Gender-based Violence in Jamaica (NSAP-GBV) which aims, inter alia, to ensure that the Legal System investigates and prosecutes cases of GBV, and enforces punishment, is to be finalized. The State party also informed that plans are underway to institute a programme of public awareness to encourage the reporting of domestic and sexual violence against women and girls and ensure that all such acts are effectively investigated, victims and witnesses are protected and perpetrators are prosecuted and sentenced within a reasonable time frame.

The Committee notes that the public education is being conducted, and the State is finalizing a National Strategic Action Plan to Eliminate Gender-based Violence which aims, inter alia, to ensure that the Legal System investigates and prosecutes cases of GBV, and enforces punishment. It also notes plans to institute a programme of public awareness to encourage the reporting of domestic and sexual violence against women and girls and ensure that all acts of violence against women are effectively investigated, and that perpetrators are prosecuted and sentenced within a reasonable time frame. The Committee considers that, for the period under consideration, the recommendation **has been partially implemented**.

In relation to the recommendation that the State party “strengthen victim assistance and support programmes by providing women victims of violence with legal aid, medical support, mental health services, rehabilitation services, and shelters as appropriate in all areas of the country”: The State party mentioned that the reclassification of the Victim Support Unit strengthens its ability to provide critical support to victims of crime (inclusive of sexual violence and domestic violence) and to better assist victims. It also informed that there is a proposal to expand the number of branch and satellite offices and develop specialized services, such as psychoanalysis. The State party added that the VSD does not operate a shelter. However, referrals are made to Government and non-Governmental agencies. The State party also referred to the

Overcomers in Action Programme, which realizes group counselling and provides healing and restoration to, as well as advocacy for female victims of sexual, physical and/ or emotional abuse. The State party also informed that the draft National Strategic Action Plan to Eliminate Gender-based Violence includes the establishment of a system of redress for victims of gender-based violence.

The Committee welcomes that the reclassification and upgrading of the Victim Support Unit strengthens its ability to provide critical support to victims of crime, including sexual violence and domestic violence. It also welcomes the Overcomers in Action Programme and the planned system of redress for victims of violence. The Committee however notes that the State party did not provide information on efforts made to strengthen the provision of health services, legal aid and shelters. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation “to provide comprehensive training on combating violence against women, including domestic and sexual violence, for relevant professionals, including targeted training for judges, prosecutors, lawyers and police officers on the application of protection orders under the Domestic Violence Act. Enhance training for health professionals on standardized procedures for dealing with victims of violence in a gender-sensitive manner”: The State party informed that it provides training for health professionals on standardized procedures for dealing with victims of violence. The State party added that plans are underway for comprehensive training in combating violence against women, including domestic and sexual violence, for relevant professionals, and targeted training for judges, prosecutors, lawyers and police officers on the application of protection orders under the Domestic Violence Act. It added that under the Domestic, Sexual and Gender-based Violence Project, over 300 police personnel and front-line responders are to benefit from training to effectively recognize, deal with and respond to victims of violence.

The Committee notes the State party’s ongoing efforts in training health professionals and that plans are underway to for comprehensive training on the application of protection orders under the Domestic Violence Act, including domestic and sexual violence, for relevant professionals, including targeted training for judges, prosecutors, lawyers and police officers. The Committee considers that since there is no information on the enhanced training recommended for the health professionals, and that the training for the relevant professionals has not yet been implemented for the period under consideration, the recommendation **has not been implemented**.

In relation to the recommendation that the State party “approve and implement the draft sexual harassment policy and consider urgently adopting comprehensive legislation to combat sexual harassment”: The State party indicated that the Cabinet approved drafting instructions in April 2014 for a Sexual Harassment Bill. This Bill was tabled in December of 2015 and is made a priority for the legislative schedule to be debated in Parliament in 2016.

The Committee welcomes the measures taken by the State party to table a bill on sexual harassment. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 22 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Expedite the amendment of the Sexual Offences Act, 2009 with a view to criminalizing all marital rape and define an appropriate timeframe within which to do so.
2. Allocate adequate resources to ensure the collection and compilation of comprehensive data on violence against women that is disaggregated by sex, age and the relationship between the victim and perpetrator.

3. Strengthen efforts to ensure that all such acts are effectively investigated, victims and witnesses are protected, and perpetrators are prosecuted and sentenced within a reasonable time frame.

4. Take concrete measures aimed at strengthening the provision of legal aid and shelters staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence.

5. Implement plans for comprehensive training in combating violence against women, including domestic and sexual violence, for relevant professionals, including targeted training for judges, prosecutors, lawyers and police officers on the application of protection orders under the Domestic Violence Act.

6. Adopt the Sexual Harassment Bill in order to combat sexual harassment in the State party.

With regards to the recommendation made in **paragraph 38** of the concluding observations “to review the legislation and procedures for child maintenance and urgently address challenges to ensure that single mothers are provided with adequate and timely child maintenance”: The State party reported that currently the Maintenance Act makes provision for mothers, particularly single mothers, to apply for child maintenance through the Courts to ensure that they are provided with adequate and timely child maintenance. It however stated that some mothers choose not to access these benefits due to a number of factors, including to prevent hostilities with the child’s father. It further stated that the State party is preparing legislation that will make it mandatory for fathers’ names to be placed on their children’s birth certificate, in order to improve the sense of responsibility of fathers towards their children.

The Committee welcomes the information provided by the State party that the Maintenance Act makes provision for mothers to apply for child maintenance through courts and that it is taking legislative measures to promote a more equal distribution of family responsibilities between men and women. However, the Committee has not received information on the recommendation to review legislation and procedures to address challenges mothers are facing when requesting child maintenance. It considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to review the legislation and proceedings regarding divorce with the view to simplifying the process and ensuring that women are not placed in disadvantaged or harmful positions due to restrictive legal proceedings”: The State party reported that efforts have been made to further improve the turnaround time in divorce proceedings, including by proposing amendments to the Rules of Court enabling the adjudicator to deal with applications for Decree Nisi – an authority that currently rests with Judges of the Supreme Court only. Amendments were also introduced to allow the development of standardized documents for use in divorce proceedings by Attorneys-at-Law and provide for the widening of the adjudicator’s responsibilities.

The Committee welcomes the draft amendments to the Rules of Court in order to reduce delays in the completion of divorce proceedings. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 38 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Review legislation for child maintenance and expedite the implementation of interventions aimed at addressing challenges to ensure that single mothers are provided with adequate and timely child maintenance.

2. Expedite the adoption of amendments to the Rules of Court allowing to simplify divorce proceedings.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women