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Human Rights Committee**List of issues prior to the submission of the fifth periodic report of Jamaica*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations. Please indicate the steps taken during the reporting period to ensure the rights of individuals to an effective remedy, and whether the State party intends to re-accede to the Optional Protocol to the Covenant. Please also provide information on any significant developments in the national mechanism for reporting and follow-up, including measures taken to establish a clear mandate to coordinate the engagement of the Government with human rights mechanisms and to follow up on their recommendations in consultations with civil society.

B. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee**Constitutional and legal framework within which the Covenant is implemented (art. 2)**

2. In reference to the previous concluding observations¹, please provide information on any steps taken during the reporting period to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also provide information on measures taken to give full effect to the provisions of the Covenant in national legislation and to raise awareness of the Covenant among judges, lawyers, prosecutors and the general public, and provide examples of cases in which the Covenant has been invoked or applied by national courts.

Anti-corruption measures (arts. 2 and 25)

3. Please report on the legal and institutional frameworks in place as well as measures taken during the reporting period to prevent and combat corruption effectively, particularly involving politicians and political parties, high-level public officials, judges and prosecutors, and law enforcement officials. Please provide statistical information on the number of investigations, prosecutions and convictions there have been in cases of corruption over the past eight years. Please describe the mandates of the State party's anti-corruption bodies,

* Adopted by the Committee at its 138th session (26 June – 26 July 2023).

¹ [CCPR/C/JAM/CO/4](#), paras. 6 and 8.

including the Integrity Commission, and the steps taken to ensure their independence and efficacy in fighting corruption.

Non-discrimination (arts. 2, 19, 20 and 26)

4. In the light of the Committee's previous concluding observations², please report on the measures taken to ensure the laws prohibiting discrimination are in accordance with international standards, and to adopt comprehensive anti-discrimination legislation that: (a) provides for full and effective protection against direct, indirect and structural, as well as intersectional discrimination in all spheres, including in the private sphere; (b) it contains all the grounds prohibited under the Covenant, including sexual orientation, gender identity, marital status, disability and health status; and (c) provides effective remedies in judicial and administrative proceedings for victims of discrimination. Furthermore, please report on steps taken or planned to repeal Sections 76, 77 and 79 of the Offences against the person Act and decriminalize same-sex consensual relations. Please provide statistical and disaggregated data on complaints of discrimination received during the reporting period, along with an indication of the basis of discrimination, the characteristics of the victim(s), the nature of investigations conducted and their outcome, and any redress provided to victims.

5. Please discuss the efforts made, including any awareness campaigns, to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against women, persons with disabilities, ethnic and ethno-religious communities, persons living with HIV/AIDS, and on the basis of a person's real or perceived sexual orientation or gender identity, as well as measures taken to combat and prevent their social stigmatization and social exclusion.

6. With reference to the Committee's previous concluding observations³, please: (a) report on any legislative amendments made to protect against discrimination based on health status and to ensure better protection of people living with HIV/AIDS, including vulnerable segments of the population, such as lesbian, gay, bisexual and transgender persons, and women and girls who have contracted HIV, especially as a result of rape and sexual violence; and (b) provide information on measures taken to implement the National Workplace Policy on HIV/AIDS, including information on the financial and human resources allocated, and to ensure the adequate functioning of the National HIV-related Discrimination Reporting and Redress System. Please comment on reports of the lack of prompt and effective investigations into cases of violence against lesbian, gay, bisexual and transgender persons, and provide information on the investigation, prosecution and punishment of perpetrators.

Gender equality (arts. 3 and 26)

7. In the light of the Committee's previous concluding observations⁴, please provide statistics on women's representation within the private and public sectors and describe measures taken to ensure women's meaningful participation in all forms of decision-making. Please include information on: (a) measures taken to effectively address and eliminate gender stereotypes regarding the roles and responsibilities of women and men in the family and society; (b) progress made to achieve substantive equal opportunities for men and women in social, political and economic life and to eliminate the gender pay gap; and (c) the implementation of the National Policy for Gender Equality, including the financial resources available for its implementation and how the inputs of stakeholders are being coordinated.

Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

8. With reference to the Committee's previous concluding observations⁵, please discuss the measures taken by the State party to address all forms of violence against women and girls, including domestic violence, and inform about any training that has been provided to judges, prosecutors, police and other public officials dealing with domestic violence and any measures taken to raise awareness among the public on domestic violence and related gender

² CCPR/C/JAM/CO/4, paras. 14 and 16.

³ CCPR/C/JAM/CO/4, paras. 18 and 20.

⁴ CCPR/C/JAM/CO/4, para. 21.

⁵ CCPR/C/JAM/CO/4, para. 24.

issues. Please include information on: (a) any amendments made to the Sexual Offences Act and the Domestic Violence Act to increase protection for women and girls and men and boys against sexual and other forms of violence; and (b) information disaggregated by gender, age and type of offence, on the numbers of complaints, investigations, prosecutions, sentences, penalties imposed and protection orders concerning cases of domestic violence during the reporting period, and on the availability of shelters and other services for victims of such violence. Please also provide information on the implementation of the Sexual Harassment Act 2021 and the measures in place to ensure the protection against sexual harassment, including in public spaces.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 2, 3 and 6)

9. In the light of the previous concluding observations⁶ and the report on follow-up to the concluding observations⁷, and bearing in mind the Committee's general comment No. 36 (2018) on the right to life (para. 8), please provide information on the progress in and results of any review of legislation that may have been conducted in relation to sexual and reproductive rights, maternal mortality and abortion, especially related to the decriminalization of the voluntary termination of pregnancy, including in cases of pregnancy resulting from rape and incest, and where the pregnancy is not viable. Please include information on measures taken to provide access to information on the measures taken to guarantee the availability and accessibility of sexual and reproductive health information and services and affordable forms of contraception, including emergency contraception, throughout the State party, including information on: (a) any education and awareness-raising programmes, especially youth-friendly programmes, and their substantive impact; and (b) any training provided for health-care providers. Please inform on the progress made towards ensuring that reproductive health services are available and accessible to all women and girls, including girls under the age of 16, especially in rural areas, including by providing information about measures taken to improve monitoring and data, and statistics on access to health care among women and girls.

State of emergency (art. 4)

10. In view of the Committee's previous concluding observations⁸, please provide information on steps taken to review its laws on states of emergency and bring them into full conformity with article 4 of the Covenant. In particular, please inform on the application of such legislation during the reporting period, particularly in response to violent crime, and whether any such measures derogated from the State party's obligations under the Covenant. If so, please indicate whether the measures were strictly required by and proportional to the exigencies of the situation and were limited in duration, geographical coverage and material scope, and describe the mechanisms for the oversight of the measures and restrictions, including of a judicial nature.

Right to life (art. 6)

11. Please provide information on: (a) the State party's legal framework on the use of force and firearms by law enforcement officials, including during demonstrations, and whether the relevant laws are aligned with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement; (b) steps taken to clarify the mandate and role of the Independent Commission of Investigations to ensure effective and independent investigation of law enforcement personnel; and (c) the number of complaints received, investigations conducted, prosecutions initiated and sentences and penalties imposed during the reporting period concerning excessive use of force by law enforcement officials.

12. Please respond to allegations of unnecessary and disproportionate use of force by state agents, particularly during joint military-police activity, that has resulted in extrajudicial

⁶ CCPR/C/JAM/CO/4, para. 26.

⁷ CCPR/C/131/2/Add.1.

⁸ CCPR/C/JAM/CO/4, para. 28.

killings. In that regard, please provide information on the status of investigations into those responsible for extrajudicial killings, and other arbitrary deprivations of life during the exercise of public security duties, and the measures adopted to ensure that the victim's families have access to justice and appropriate reparations. including with regard to the incidents in West Kingston/Tivoli Gardens in 2010. Please include information on the implementation of the recommendations contained in the 2016 report of the West Kingston Commission of Inquiry, specifically with regard to providing victims with a remedy, strengthening accountability for the use of force and dismantling garrisons.

13. Taking into account the Committee's previous concluding observations⁹, please report on any progress made towards abolishing the death penalty and the remaining barriers to its abolition. Please inform the Committee on any steps taken to: (a) ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty; and (b) ensure that permanence on death-row does not amount to torture, cruel, inhuman or degrading treatment or punishment.

14. Please provide information on the legal framework and policies in place to combat the escalating crime rates, homicide rates and violence, particularly gang and vigilante violence. In that regard, please provide information on the practical measures taken to ensure the effective protection of life and safety of people especially in zones of special operations (ZOSOs). Please provide statistical, disaggregated information on the number of cases of gang and vigilante violence, including homicides, the investigations conducted, convictions secured against the perpetrators of such violence, and sanctions imposed, as well as the remedies provided to victims.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)

15. With regard to the Committee's previous concluding observations¹⁰, please report any steps taken to prevent, investigate and punish all acts of torture and cruel, inhuman or degrading treatment. Please include information on: (a) any amendments in criminal law, in accordance with article 7 of the Covenant, to ensure all acts of torture are prohibited and sanctioned with penalties commensurate with the gravity of the crime; (b) measures taken to provide remedies to persons who claim to have been subjected to torture or ill-treatment by State officials; and (c) the provision of human rights training to law enforcement officials, in particular training on the prohibition of torture and ill-treatment. Please also provide statistical information on the number of complaints received concerning torture or ill-treatment, and on the investigations, prosecutions, convictions and sanctions, and on the remedies provided for victims and their families.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

16. In the light of the Committee's previous concluding observations¹¹, and the report on follow-up to the concluding observations¹², please provide information on the capacity of the prison system and the number of prisoners as well as efforts to address overcrowding, and improve the material conditions, including sanitation, food supply and access to medical care in all places of detention. Please indicate all the measures that are in place to ensure full respect of the fundamental procedural safeguards for detained persons, including the rights to have prompt access to a lawyer and to be brought promptly before a judge and ensure their detention is subject to regular judicial review. Please report on the legislative and other measures taken to put in place a system to detain accused persons separately from convicted persons, and to reduce the use and duration of pretrial detention, including through increasing the use of non-custodial alternative measures to pretrial detention. In this regard, please include statistical data on the number of pretrial detainees and the actual application of alternative measures for the past eight years.

⁹ CCPR/C/JAM/CO/4, para. 36.

¹⁰ CCPR/C/JAM/CO/4, para. 34.

¹¹ CCPR/C/JAM/CO/4, para. 32.

¹² CCPR/C/131/2/Add.1.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

17. Please report on the legislative and other measures, including training for law enforcement officials, judges, prosecutors and related personnel, taken to prevent and combat trafficking in persons, including for the purposes of sexual and labour exploitation. In that regard, please include information on the investigations, prosecutions and convictions of perpetrators, specifying the severity of the penalties imposed on perpetrators and whether they are of a criminal or an administrative nature, the provision of protection, including shelters, and redress to victims. In that regard, please inform on any investigations, prosecutions, convictions and sanctions of government employees suspected of complicity in trafficking offenses. With reference to the previous recommendation of the Committee¹³, please report on: (a) the activities carried-out by the National Rapporteur on Trafficking in Persons and their impact, along with the human and financial resources provided to its Office; and (b) whether any provisions are in place to ensure individuals who are victims of trafficking are not returned to a country where there are substantial grounds for believing that they would be at a real risk of irreparable harm.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)

18. In relation to the Committee's previous concluding observations¹⁴, please report on the measures taken to ensure that all persons applying for international protection in the State party have access to fair and efficient asylum procedures, protection against refoulement and an appeal mechanism with suspensive effect against negative decisions on asylum. In particular, please: (a) provide information on the steps taken to establish clear and accessible procedures to apply for asylum or refugee status, as well as a consistent system to provide protection and assistance to refugees and asylum-seekers; (b) describe the mechanisms and criteria applied before the extradition, expulsion or deportation of foreign nationals from the State party in order to evaluate and verify the risk of being subjected to torture or other serious human rights violations upon their return; and (c) report on steps taken to improve the identification of persons in need of international protection at the border, and to provide refugees with identification cards.

Access to justice, independence of the judiciary and right to a fair trial (arts. 2 and 14)

19. With reference to the Committee's previous concluding observations¹⁵, please describe the measures taken to: (a) reform the justice system to ensure fair trials, including any steps taken to strengthen its legal aid capacity; and (b) to reduce delays in administration of justice and address the backlog of cases. Please also provide information on the steps taken to ensure the independence of the judiciary and of the public prosecution and that judges, prosecutors and other legal professionals can carry out their functions in a safe and independent manner, free from intimidation, undue interference from other branches of government, obstacles, harassment, reprisals and criminal acts.

Rights to freedom of expression and of association (arts. 19-20 and 22)

20. Please provide information about the legal and practical measures taken to guarantee full and effective protection of the rights of freedom of expression and freedom of association, indicating any difficulties encountered in implementing these measures. Please respond to reports of restrictions on media freedom through the banning of music and TV broadcasts which are deemed to glorify or promote criminal activity, violence, drug use, scamming and weapons, and provide information on the mandate of the Broadcasting Commission of Jamaica and the steps taken to ensure its independence and impartiality. Please also provide information on the legal framework in place to protect the activities of human rights defenders and journalists against harassment, intimidation and verbal and physical attacks, and the practical measures taken to protect their safety and integrity as they carry out their activities, including information on recorded cases of attacks on human rights

¹³ CCPR/C/JAM/CO/4, para. 38.

¹⁴ CCPR/C/JAM/CO/4, para. 40.

¹⁵ CCPR/C/JAM/CO/4, para. 42.

defenders and threats against them, and on whether anyone has been tried and/or convicted and sanctioned as a result of such acts.

21. In the light of the Committee's previous concluding observations¹⁶, please provide information on measures taken to address obstacles in the implementation of the Access to Information Act (2004) and to enhance full implementation of its laws on access to information, including through the training of information officers, the implementation of public information campaigns, and by establishing an accessible complaint mechanism. Please also inform on the steps taken to eliminate barriers for non-governmental organizations to register as legal entities under the Charities Act, including steps taken to ensure non-discrimination in the consideration and granting of charitable status to non-governmental organizations and that such Act does not obstruct or delimit the work of human rights defenders.

Right of peaceful assembly (art. 21)

22. Bearing in mind the Committee's general comment No. 37 (2020), on the right of peaceful assembly, please discuss the compatibility of the Public Order Act with the Covenant and Constitution, particularly with regard to the provisions, that: (a) require that assembly organizers submit an application for a permit to authorities at least 24 hours before planned events; (b) establish the grounds upon which authorities can restrict assemblies; and (c) establish fines and imprisonment for non-compliance with the law. Please also discuss whether the use of force by law enforcement officers when policing assemblies within the reporting period has consistently adhered to the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.

Rights of the child (arts. 23–24 and 26)

23. In the light of the Committee's previous concluding observations (paras.44 and 46), and the report on follow-up to the concluding observations¹⁷, please indicate: (a) whether amendments to the Child Care and Protection Act have been adopted to ensure its full and effective implementation in line with the Covenant, including amendments to remove the possibility of incarcerating a child on the basis of him or her being "beyond parental control"; and (b) any steps taken to guarantee adequate support to children in conflict with the law, including whether steps have been taken to develop conflict resolution programmes, and to ensure coordination and oversight of the child protection sector. Please provide information on the measures taken to guarantee that children are deprived of liberty only as a measure of last resort and for the shortest possible period of time, and whether alternative arrangements to detention are in place, including disaggregated statistical data on the number of children in detention and the number of children participating in alternative arrangements to detention.

24. Please provide information on the measures taken to prevent and combat violence against children, including sexual abuse and exploitation, especially in rural areas, including information on the investigation, prosecution, conviction and sanctioning of perpetrators and provision of protection, including shelters, and redress to victims. Please report on steps taken to prohibit, prevent and punish corporal punishment in all settings and to promote nonviolent forms of discipline as an alternative to corporal punishment, including any awareness-raising campaigns.

Rights of minorities (art. 27)

25. With reference to the concluding observations of the Committee on the Elimination of Racial Discrimination¹⁸, please provide information on steps taken to reconsider the approach to indigenous peoples, giving due account to the principle of self-identification, and to what extent the State party has engaged in an open and inclusive dialogue with Maroon and Taino communities. Furthermore, please provide information regarding the legislative and other measures taken and/or envisaged to ensure the promotion and protection of the

¹⁶ [CCPR/C/JAM/CO/4](#), para. 48.

¹⁷ [CCPR/C/131/2/Add.1](#).

¹⁸ [CERD/C/JAM/CO/21-24](#), paras. 19-20.

rights of these peoples and communities and to obtain their effective and informed participation in decisions that affect them, particularly concerning land rights and the use of natural resources. In particular, please inform on the steps taken to prevent and address the health impacts caused by bauxite mining activities and to ensure the necessary measures are in place to protect the rights to life, personal integrity, private life, and health of those communities impacted by such mining activities.
