



PERMANENT MISSION OF  
JAMAICA TO THE UNITED NATIONS

**STATEMENT BY**

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**AT  
REVIEW BY THE CEDAW OF JAMAICA'S  
FIFTH PERIODIC REPORT**

**DURING THE  
36<sup>TH</sup> SESSION OF THE COMMITTEE ON THE  
ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

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*Please check against delivery*

## **Introduction**

Madam Chairperson distinguished Members of the Committee:

It is a special honour for me to lead the Government of Jamaica's delegation to present the Fifth Periodic Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and efforts made to effect recommendations emanating from the Committee's review of the 2nd, 3rd and 4th Periodic Reports. I am supported by the Executive Director of the Bureau of Women's Affairs (BWA), Mrs. Faith Webster; Dr. Eileen Boxill, Director of Legal Reform; Mrs. Margarette May Macaulay, Attorney-at-Law; Ms. Pamela Ingleton, Assistant Director, International Organisations Department, Ministry of Foreign Affairs and Foreign Trade; and, Mrs. Ariel Bowen, First Secretary at the Permanent Mission of Jamaica to the United Nations.

The promotion of greater gender equality and the protection of the human rights of women continue to be high priorities for the Government of Jamaica, consistent with our firm commitment to the CEDAW. Indeed the Government's commitment to the enhancement and protection of Human Rights is reflected in the establishment in 2001 of a special Human Rights unit within the Ministry of Justice. This unit is headed by a legal advisor and its mandate is to focus attention on human rights issues, particularly issues confronting the citizenry. Matters arising from Jamaica's obligations under international Human Rights instruments, including those relating to women, also fall within the Unit's area of responsibility.

Madam Chair, in matters relating to gender equality and women's human rights, the Government of Jamaica has always recognized the need for collaboration with, women's organizations, other non-governmental organizations, faith-based organizations, civil society and the Party in Opposition – in matters related to gender equality and women's human rights. This collaborative approach is exemplified by the participation of all these players in a recent advocacy programme on the Optional Protocol spearheaded by the UNIFEM Caribbean Office in June of this year. As a result of this initiative, the Prime Minister, the Most Honourable Portia Simpson-Miller, and the Minister of Foreign Affairs and Foreign Trade have given their commitment to ensure Jamaica's accession to the Optional Protocol to CEDAW in the short term.

Another significant collaborative initiative has been the establishment of a **National Gender Advisory Committee (GAC)** in 2004 with broad-based representation of government ministries and agencies, NGOs, academics, rural women and youth. The main objective of the Committee is to advise the Government on the strategic policy direction for its gender portfolio and to develop, through a broad based consultative process, a comprehensive **National Gender Policy** which is intended to facilitate the mainstreaming of gender in all government policies and programmes.

Although for some time the Government has been addressing the issues of violence against women, including human trafficking and sexual abuse through new legislation and public education campaigns, newly reported cases of violations continuously provide

the impetus to act more decisively to address such issues, as they occur. In this regard, stakeholders have been engaging in an on-going dialogue around short and medium term actions related to: lobbying on legislative issues; the review of discriminatory legislation affecting women and children; and, a public education campaign on entrenched patriarchal attitudes and VAW; and the treatment of sexual and reproductive health and rights in Health and Family Life school curricula.

Madam Chair, this renewed impetus around gender-based violence and other issues confronting women and girls in Jamaican society is also due, in no small measure, to the recent appointment of the Most Honourable Portia Simpson-Miller as the first female to be elected President of the ruling political party and first female Prime Minister of Jamaica.

Women's participation in decision-making has been increasing over the last decade. In all sectors, however, women continue to be under-represented at the highest level of governance. This, of course is very much a function of entrenched gender ideologies and concepts of leadership which are perceived as masculine in both substance and style. The appointment of a female Prime Minister is a major challenge to these ideologies. Not only has this victory created an almost euphoric environment of hope and expectation, especially among working class women and young girls, but it has also created a window of opportunity for translating this positive energy into a momentum for improving the overall status and condition of women as envisaged in the CEDAW Articles.

In the remaining sections of this presentation I propose to more specifically address issues raised by the Committee in relation to our 5th Report, as well as point to some developments that have taken place since its submission.

I will deal first with legal reform, which is pivotal to achieving the goals of the CEDAW and which has been a central theme of earlier reports and of the concerns and questions raised by your Committee.

### **Legal Reform**

Legal reform to address discrimination against women is a continuing exercise. The pace is admittedly slow but this is largely due to the fact that the reforms relating to women have to compete with other pressing matters of national concern. In recent times, legislation relating to crime fighting has consumed a great deal of parliamentary time and related resources. It is important to note, however, that measures put in place in this regard, although not directed specifically at women, do have a positive impact on the situation of women. For example, issues relating to security and personal safety in communities and in the wider society are especially relevant, as women are adversely affected by crime and violence - directly as victims and indirectly by the resulting social instability and economic disruption.

The legislative process itself is another factor which contributes to the delay in the passage of important legislation. It is the established practice for Bills introducing significant changes to be referred to a Joint Parliamentary Committee for examination,

debate and recommendations. This procedure serves to bring to public attention proposed changes to the law and to provide an opportunity for the participation of special interest groups and members of the public in the formulation of such legislation. Unfortunately, this procedure can result in a protracted delay in settling the provisions of proposed legislation.

The proposed **Charter of Rights and Freedoms** (Constitutional Amendment) Bill has suffered this fate. This amendment of the Constitution to prohibit discrimination on the ground of sex is part of the package of provisions contained in this Bill. The Charter has been subjected to intense and prolonged debate at the Joint Select Committee stage. The examination of this Bill has spanned several parliamentary sessions and changes in the composition of parliament, resulting in changes in the membership of Committee upon its reconstitution, and the reopening of many issues that had been considered settled. Thus, despite the best efforts of the government, the process has been drawn out and tedious. The latest Joint Select Committee has now concluded its examination of the Charter and is finalizing its report for submission to Parliament.

Notwithstanding the constraints indicated, some good progress has been made in the enactment of a number of key reforms relating to women. Since the submission of the 5th Periodic Report, the following Bills have been enacted:

**The Domestic Violence (Amendment) Act, 2004** entered into force on December 30, 2004. The amendments introduced widened the coverage of, and enhanced the protection afforded by, the Domestic Violence Act of 1995.

In addition to the legislative measures taken in relation to violence against women, the Government of Jamaica also ratified the **Belem do Para Convention** in December 2005 and Jamaica is represented on the Committee of Experts on Violence (CEVI) established to monitor implementation of the Follow-up Mechanism to the Convention. Obligations under the Belem do Para Convention coincide with those under the CEDAW so that those measures already in place are immediately relevant. The Belem do Para Convention will now be taken into account in the planning and execution of all measures being undertaken to combat violence against women. As a result, information on this Convention is now included in public education programmes on violence against women mounted by the Bureau of Women's Affairs targeting the judiciary, public sector staff, civil society and other stakeholders.

**The Child Care and Protection Act, 2004** repealed and replaced the Juveniles Act. It reenacted some of the provisions of the Juveniles Act and introduced some new provisions aimed at bringing the law in line with the Convention on the Rights of the Child. Some of the significant new features are the provisions for the mandatory reporting of child abuse cases, and the appointment of a Child Advocate. The government, despite resource constraints, is pushing ahead to achieve the full implementation of the Act. The Office of the Child Advocate is now established and has been in operation since February, 2006, and every effort is being made to address the

matter of outstanding Regulations under the Act as well as the establishment of the Children's Registry.

**The Property (Rights of Spouses) Act, 2004** introduced new statutory rules to provide for the equitable division of assets between spouses upon marriage or relationship breakdown. This Act, though gender neutral in its provisions, should be beneficial to women in its practical application, as the deficiencies under the old law which placed women at a disadvantage in proving entitlement to property have been removed.

**The Maintenance Act, 2005** repealed and replaced the old Maintenance Act and the Affiliation Act and makes comprehensive provisions for maintenance within the family. It confers equal rights and obligations on spouses with respect to the support of each other and their children. This Act is a companion measure to the Property (Rights of Spouses) Act, accordingly "spouse" is similarly defined to include a *de facto* spouse.

There are a number of other legislative reforms under consideration.

Included among these are the amendments to the **Offences Against the Persons Act** and the **Incest (Punishment) Act**. The objective of these amendments is to update the law relating to rape and other sexual offences, in line with the trend in modern legislation on this subject. Madam Chair, these Bills were first tabled in 1995 and were referred to a Joint Select Committee for consideration and report. Regrettably that Joint Select Committee failed to reach agreement on all the proposed areas of change and the Bills fell off the Order Paper on the prorogation of Parliament and remained in abeyance. The Bills were re-tabled in parliament in this last session and examination of their provisions by a Joint Select Committee will begin in the next session of Parliament

Additionally, there is a draft Bill which will amend the **Evidence Act** to permit the taking of the testimony of "vulnerable witnesses" by means of live television links. These measures are part of the efforts by the Justice system to afford greater accommodation and protection to vulnerable witnesses, including children and women who are victims of violence and sexual abuse.

The Ministry of Justice has also launched a draft **Victims Charter** for public discussion and comment. The objective of the Charter is to ensure that victims are treated with dignity, respect and fairness throughout the various stages of the justice process. The desired outcomes include -

In relation to trafficking in persons, presently, the Child Care and Protection Act 2004, Section 10, is the only statutory provision relating to the offence.

The Government of Jamaica became a signatory to the **Convention Against Transnational Organized Crime** on 26 September 2001 and to the Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 25 December 2003. Both international instruments were ratified on September 29, 2003.

Implementing legislation is being prepared and there is already a first draft of the Bill (*The Prevention, Suppression and Punishment of Trafficking in Persons Act, 2006*) now under consideration. The draft Bill provides a comprehensive definition of trafficking which is in keeping with the provisions of the Convention and related Protocol. This will remedy the deficiency of the absence of a definition of the offence in the existing law.

Madam Chair, legislation is also being developed to address the more recent problem of cyber crime and child pornography.

On the subject of Sexual Harassment a CARICOM Model Bill is being used to generate national debate on the nature and content of legislation on the subject. The Bureau of Women's Affairs is spearheading the consultative process leading to the development of a national Sexual Harassment Policy, which will not only pave the way for the legislation, but also provide an interim measure to address the matter of sexual harassment.

### **Education and Employment**

Madam Chair, I now turn to issues related to education and employment. In Jamaica, although Labour Force Participation Rates have been consistently lower for females, there has been a gradual decline in the gender gap, and, in 2004 the difference between male and female participation rates was 10.9% points. Although, overall, women represent the better prepared source of human capital, based largely on the dynamics of culture and socialization practices as well as structural barriers, they are not only under-represented in the labour market but are also clustered in the feminised low-paying, low-status sectors of the market.

Madam Chair, employment patterns, therefore, have tended to reflect distinct gender differences that have led to gender stereotyping and eventually manifesting occupational sex segregation (OSS). However in the last decade, the positioning of women in the labour market has been enhanced by the increase of women in the 'professional, official and technical' category which almost doubled between 1994 and 2003, and the decline in the number of women in elementary occupations. This shift in the pattern of female participation, no doubt, is directly related to the greater participation of women in higher education over the corresponding period.

It should be noted, however, that the professional category includes teachers and nurses; occupations which although not among the lower-skilled are under-valued in terms of social status and, therefore, are accorded low levels of remuneration compared with other professions in this category. Data also indicate that within this category there is vertical stratification with women over-represented in the lower strata and markedly absent from decision-making positions.

Labour market data on vertical segregation were not available because of the limited sample size included in household surveys from which population projections are estimated. Attempts to make projections on vertical segregation from these data would

produce distorted results. The Statistical Institute of Jamaica has plans to increase the survey sample size to facilitate this type of projection.

Although data on vertical segregation within all occupational categories were generally not available, within the teaching profession for instance, despite clear female dominance in numbers, at the highest levels, proportionately, there is still a male domination. Generally, Madam Chair, in the public sector, women have moved into positions of top management, but in the private sector they continue to be under-represented in boardrooms and in top management. In keeping with these patterns, gender differentials in wages are evident. To begin with females constitute 58.2% of workers in the public sector whereas males predominate in the 'paid non-government private sector' where wages are considerably higher.

Madam Chair, women's constrained participation and positioning in the capital market must be viewed in relation to the increasing feminization of poverty and the increasing number of female headed households. The data indicate that approximately 50% of all households in Jamaica are female headed and that such households are characterized by poverty and low levels of consumption.

The government has instituted a number of special programmes aimed at the protection of vulnerable population groups. These include the National Poverty Eradication Programme, the Advancement through Health and Education (PATH) Programme, the National Health Fund and the Self Start Fund, to name but a few. Women who meet the criteria for assistance are able to access the benefits under these programmes,

### **Health**

On the matter of Health, Madam Chair, the mission of the Ministry of Health is to seek to enhance the quality of life of the people and to ensure access to adequate health care. All health facilities, both at the primary and secondary levels, are available and accessible to women and men. Of particular interest to the Committee is the fact that the Maternal Mortality ratio moved from 111 per 100 000 live births in 2000 to 95 in 2005. Two initiatives have been launched recently: A National Mortality Review Commission and an Advisory Group on Abortion.

The recently established National Advisory Group on Abortion is presently reviewing the existing law and current practices relating to abortion with a view to making recommendations for reform. Consultations are being held with stakeholders and interest groups and the Advisory group is expected to submit its report to the Minister shortly

The Jamaica National Family Planning Board, with support from the European Union and the United Nations Population Fund, is engaged in an ongoing programme on Sexual and Reproductive Health and Rights in keeping with the Government's effort to provide universal access to sexual and reproductive health services. Partners in the programme include the Ministry of Health, the Women's Centre of Jamaica Foundation, Jamaica Association for the Deaf, the Council for Persons with Disabilities, the Jamaica Society for the Blind and the Jamaica Association for Persons with Mental Retardation.

Madam Chair, there are also special measures, which target adolescents, in the form of national policy guidelines governing the provision of contraceptive advice, counselling and treatment to such persons by health care professionals without the knowledge and consent of parents, if the individual so wishes. These guidelines apply to persons under sixteen years of age since persons aged sixteen are, by law, deemed competent to consent to medical, surgical and dental treatment.

HIV/AIDS continues to be a growing concern in Jamaica, Madame Chair, particularly for female adolescents in the age group 15-19 years which have three (3) times higher risk of HIV infection than boys of the same age group. Public education programmes, therefore, presently target adolescent females in terms of their sexual and reproductive health and links to gender-based violence.

In 2005, the policy and advocacy component of the Jamaica HIV/AIDS Treatment and Prevention Programme was formalized, the objective of which was to develop a comprehensive policy framework, which would entail:

- improving the protection of the rights of persons living with and affected with HIV/AIDS; and,
- reducing discrimination and stigma through advocacy and public education.

In relation to women, progress was undeniable in the prevention of mother to child HIV transmission (PMTCT) through voluntary HIV screening of pregnant women and provision of anti-retroviral drugs (ARVS) as well as free formula, as an alternative to breast feeding for infants born to HIV-positive mothers.

Another area in which success was recorded, Madame Chair, was in education and assistance provided to commercial sex workers. A 2005 survey of this group showed that 97% had easy access to condoms with 90% reporting condom-use with clients. Attention is also being given to orphans and other HIV/AIDS vulnerable children (OVC) by supporting all categories of caregivers and related institutions ensuring they are appropriately equipped to respond to the special needs of this group.

Madam Chair, special mention must be made of a programme launched recently which seeks to educate hearing-impaired women and girls in Jamaica on the issue of sexual violence and HIV/AIDS. The Jamaica Council for Persons with Disabilities, recognizing that hearing impaired women and girls are a vulnerable group within the community of Persons with Disabilities (JCPD), developed a programme to deliver information which will assist these women to protect themselves from abusers, and to encourage behaviour change. The programme will also empower this population with survival and self-defence strategies and alternative skills which are intended to make them economically independent. The programme, funded by the Joint United Nations Programme on HIV/AIDS (UNAIDS), is for a period of one year and will be conducted island-wide through seminars and skills building programmes.



## **Rural women**

Madame Chair, rural women is an area of special concern on which the Committee sought detailed empirical data. The disaggregated, multivariate data requested are not readily available and indicates the need for greater attention to be given to the design of protocols used to facilitate the establishment of national databases. These data may well be available but are not readily accessible.

We know, however, that poverty is more concentrated in rural areas than in urban areas in Jamaica, and that women comprise 62 % of the adult population in rural areas. One can therefore infer that women in rural areas are more negatively impacted by poverty than are rural men. In these areas, women are mainly engaged in small farming, craft industry, and in the hotel and tourist sectors as service workers.

Madame Chair, I am pleased to report that through the Rural Agricultural Development Agency (RADA), the Inter-American Institute for Cooperation on Agriculture (IICA) and through a Rural Network of Women Producers, many rural women's groups are organized around economic activities in agriculture and related enterprises such as poultry rearing, crop production, craft and agro-processing. Each group, functioning as a unit, has access to economic opportunities including credit and/or grant funds, which can be used for training and the acquisition of income generating assets.

Although agricultural extension services are not especially designed to reach women directly, there are special programmes in some line ministries, which give support to the empowerment of rural women. It is estimated that approximately 20 percent of agricultural credit and loans are accessed by women. Special facilities are available through the women's rural network revolving credit programme as well as through special windows created for women in poverty at financial institutions such as the Jamaica National Building Society and the Bank of Nova Scotia.

A gender perspective has also been incorporated in the National Resource Water Management Programme within the Ministry of Water and Housing. In this regard, a study was conducted that empirically verified the greater burden imposed on women and children by the absence of potable water in terms of physical exertion and time lost from school.

Recommendations arising out of the study include:

- Recognizing the importance of gender mainstreaming in water planning and management at all levels; national, institutional, local/community
- Need to conduct specific gender relevant studies e.g. time cost studies around water
- Specific policy decisions suggested relate to use of pit latrines, technology for converting irrigation water to domestic water, and squatting/settlement issues.

### **Mainstreaming Gender**

Finally, Madame Chair, the Jamaican Government recognizes that gender mainstreaming is a significant strategy for achieving change at the structural level and therefore an essential tool for enhancing gender equality. In accordance with strategic objectives set out in the Beijing Platform of Action, gender mainstreaming efforts have been actively promoted in various Government ministries and agencies. A number of initiatives and programmes have been introduced and various levels of success achieved.

Various gender monitoring checklists have also been developed by some agencies but have not been used systematically. It is proposed that an evaluation be carried out in these institutions to ascertain the degree of usage and problems encountered in their application.

In addition to a clear political will there is also need for commitment at the institutional and individual levels to ensure successful implementation of gender mainstreaming strategies. A coordinated and structured approach, inclusive of monitoring and evaluation, is therefore critical for the sustainability of these efforts. It is expected that the multisectoral National Gender Policy currently being developed will facilitate a more organized and systematic approach to gender mainstreaming.

### **Conclusion**

Madame Chair, from the preceding it is clear that Jamaica has seen progress in some significant areas since our last periodic review. Still, major obstacles to achieving full gender equality persist. Not least among these is gender stereotyping, and the role of education in removing these obstacles cannot be overstated. The positive effect of education on the quality of life of Jamaican women is undeniable; however as indicated earlier it is not reflected in improved social status and power sharing. This indicates the need for a shift in focus from use of education as a tool for gender and social transmission to being the means for transforming traditional gender ideologies and dismantling patriarchal structures and systems and we are working to achieve this.

Madam Chair, indeed much more remains to be done, but we believe much can be achieved in light of the present environment of hope and renewed commitment in the wake of the appointment of our first female P.M. The challenge is to maximize the advantage of this momentum to keep women's issues on the "front burner" so to speak. One way of ensuring this is by closely monitoring the implementation of the CEDAW and by continuing engagement of the public, especially NGOs, women's organizations, on the related issues. The efforts of the BWA in this regard are laudable. However, it has long been recognized that this responsibility should not rest solely with the government machinery, but that it should be supported by a committee comprising persons with the necessary expertise.

To this end consideration is being given to the formation of a support group comprising persons with knowledge of the provisions of the CEDAW and an appreciation of the processes involved in the implementation of action required. The support role of this group would include assisting in the preparation of the periodic reports, and following up on action to be taken on specific issues, including recommendations made by your Committee.

Madam Chair, I end by reiterating the Government of Jamaica's firm commitment to the CEDAW obligations and to the development of an informed strategic agenda of gender mainstreaming which strikes at the very core of unequal relations of power between and among the genders in all areas of life, and, at reform of hierarchical structures and systems. It is to this that the Government commits itself and anticipates the support of all our partners in this quest for greater gender equality and social justice. Thank you.