



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fifty-second session

Summary record of the 1048th meeting

Held at Headquarters, New York, on Friday, 13 July 2012, at 3 p.m.

Chair: Mr. Pimental

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Consideration of combined sixth and seventh periodic reports of Jamaica (CEDAW/C/JAM/6-7, CEDAW/C/Q/6-7 and Add.1) (*continued*)

1. At the invitation of the Chair, the members of the delegation of Jamaica took places at the Committee table.

Articles 7 to 9 (*continued*)

2. **Mr. Francis** said that with respect to the Paris Principles, while Jamaica did not have a separate human rights institution, the Office of the Public Defender and the Independent Commission of Investigations were both charged with protecting individual rights.

Articles 10 to 14

3. **Ms. Zou Xiaojiao** asked whether there were concrete measures and enforcement mechanisms to eliminate gender role stereotypes in educational materials, including curricula. She also inquired how Jamaica was addressing gender-based diversification in career choices, since women still predominantly chose fields such as pharmacy, health science, hospitality and tourism, whereas men gravitated toward the hard sciences and architecture, which led to gender segregation in the job market.

4. With respect to gender-based violence in schools, she asked whether there had been cabinet-level approval of agreed measures and policies to address the issue and stressed the need to ensure the necessary budgetary provisions.

5. Women were a majority among primary and secondary teachers, but were poorly represented at the leadership level, accounting for only 6 per cent of school principals, with no female university leaders. She wondered what the Jamaican Government planned to do with respect to empowering women to reach decision-making positions and whether the its overall policy of 30 per cent female representation in political bodies applied to the educational sector.

6. **Ms. Arocha Domínguez**, with respect to Article 12, emphasized the progress made since 2006 in sex education, including HIV/AIDS prevention. Noting

that there had been a sharp drop in teenage pregnancy and premature births between 2007 and 2008, she asked whether that decline signaled a trend or was an isolated case.

7. While it was difficult to track statistics when a practice was illegal, she wondered how many people had been punished under the law penalizing abortion and whether it was possible to weigh the role of abortion in the index of female mortality.

8. She also wondered about the abortion review process that had led to a draft reform bill pending as of 2010. Reports from alternative sources referred to a Constitutional amendment of 2011 that had criminalized abortion as a violation of the rights of the unborn. It would be important to know whether such an amendment had in fact been enacted and, if so, whether that had effectively ended discussion of modifying Jamaica's law on abortion.

9. **Mr. Bruun**, noting that Jamaican women were often heads of household, said that they were also disproportionately poor compared to men. With respect to Article 13 issues, he asked how already vulnerable women could be protected in the current economic crisis and in particular in view of Jamaica's negotiations with the International Monetary Fund (IMF).

10. Since self-employed women and those working in the informal sector, such as domestic workers, were not covered by social security, he wondered if there were plans to improve their situation and whether there was further information on the status of microcredit programmes for that population.

11. Given Jamaica's celebrity in sports, including the success of its female athletes, he asked what steps the Government was taking to ensure equal access to sports facilities.

12. **Ms. Jahan** said that the feminization of poverty was felt most acutely by rural women, who were doubly affected; she asked how the Government planned to ensure that the structural adjustments proposed in the pending IMF agreement did not adversely impact women and if the views of rural women were being included in inter-agency budget deliberations.

13. She asked what steps were being taken with respect to rural women's awareness of their rights under the Convention. Their access to justice was often

compromised not only by their poverty and distance from the capital but by lack of information. Inquiring whether there were local courts to address some issues, she also wondered whether rural women seeking election to local positions had access to training to ensure that they not only ran for office but were elected.

14. She also wondered whether there had been proper studies of the impact of trade liberalization on rural women and what specific strategies had been adopted to protect them. With high interest rates even on microcredits, loans could lead to perpetual indebtedness.

15. Since there was a differential impact on women of climate change and natural disasters, it would be interesting to know what concrete steps towards policy formulation and implementation had been taken since the last review in 2006.

16. **Ms. Patten**, referring to article 11, said that in view of women's complex family and employment situation it was important to eliminate indirect as well as direct discriminatory practices. Requesting an update of the review of the Employment Act of 1975, she wondered if that act had been brought into conformity with recommendations by the International Labour Organization (ILO) and with the Convention on the Elimination of Discrimination against Women, particularly with respect to phrasing that insured equal pay for work of equal value.

17. Sexual harassment in the workplace and elsewhere, as well as occupational segregation, needed to be covered in all their dimensions. She wondered how the Government was addressing both horizontal and vertical segregation, again with respect to equalizing education, training and employment opportunities. Similar questions applied to the private sector, particularly regarding the impact of the Minimum Wage Act of 2007 and its enforcement, as well as to enforcement of the rights of women in the informal sector, where they were disproportionately represented.

18. **Ms. Falconer** (Jamaica) said that the Minister of Education had begun to review textbooks and revise the curriculum to eliminate stereotypes; the process would be incremental due to budgetary constraints. There were no gender barriers in schools or in access to scholarships. Even in vocational schools with specific courses of study, women were well

represented. With respect to sports, women had equal access to facilities. Comprehensive sexual harassment legislation was still needed, but for now the issue was being addressed by the Safe Schools Programme, which placed monitors in schools across the country.

19. With respect to women's role in leadership of education, more work was needed, but there was a clear upward trend at the university level.

20. In response to questions about reproductive health and the prevention of sexually-transmitted diseases, despite a downward trend there was still a high rate of teen pregnancy and premature births; more needed to be done to educate young people.

21. **Mr. Francis** (Jamaica) confirmed that while abortion was illegal, the law was generally not aggressively or systematically enforced. There were prosecutions only in cases where a medical complication arose, when the practitioner might have the obligation to report it. Since the practice was illegal, such cases were rare.

22. The status of abortion in the Charter of Rights could not be challenged under the Jamaican Constitution, but under Chapter III of the Constitution, Parliament had the right to change or amend any provision of the Constitution by a two-thirds majority.

23. **Ms. Falconer** (Jamaica) said that she had sat on the Abortion Policy Review Committee, which had held consultations across the island with people on both sides of the issue, including members of civil society, medical practitioners and clergy. The Committee's report was awaiting review by the new Minister of Health, and she believed that there would be something to report over the coming year. Confirming that no concrete figures were available on abortion mortality, she agreed that review of the policy was vital to ensure that women and girls who needed an abortion could go to a registered medical centre where the procedure could be safely performed.

24. **Ms. Roberts-Risden** (Jamaica) said that with respect to the pending agreement with IMF, Jamaica was firmly committed to its Programme of Advancement Through Health and Education (PATH). Social expenditure in Jamaica could not be reduced and had even been increased by close to 40 per cent under the first IMF programme. In fact, the current discussions with the IMF involved examination of the

PATH programme, hailed as a model for other countries in the world.

25. With respect to insurance coverage and pensions of domestic workers and women in other areas of the informal employment sector, such women were not protected under the National Insurance Scheme, which relied on worker contributions. It was hoped that Jamaica's expected ratification of ILO Convention No. 189 would bring many women, particularly from rural areas, into the economic space as well as into the social welfare net.

26. **Ms. Falconer** (Jamaica) said that a number of initiatives, both governmental and in the private sector, provided credit to rural women, some at concessionary interest rates available through secondary loans. Female farmers had also received technical help through the Rural Agricultural Development Authority to expand their farms and plant more appropriate crops to improve produce quality and marketing.

27. The consultative approach had shown that if people were part of the process, the Government could make better, more targeted decisions. A planned cross-island road show on issues such as taxes, budgetary structure and areas of priority would be held in 2013 as part of the new Government's commitment to its citizens.

28. Regarding women and sports, Jamaica was proud of its history of inclusiveness and could serve as an example to other countries on the integration of women into sports.

29. In terms of legal aid, rural women had the same rights as those in cities, although distance remained a factor. There was a legal aid clinic in Kingston; there were courts across the island as well as justices of the peace and night courts for petty cases.

30. **Mr. Francis** (Jamaica) said that there were also magistrate courts in each parish as well as clinics in other parts of the island.

31. The minimum wage was under review and was expected to increase in light of inflation. Regarding equal pay for equal work, there was also need to review the relevant acts within the Ministry of Labour. Preliminary studies were underway to explore the best way to inform that policy process.

32. **Ms. Webster** (Jamaica) said that the Bureau of Women's Affairs was working to integrate gender

mainstreaming and establish gender focal points in all areas of public life, including with regard to climate change and disaster management; it was in dialogue with the Office of Disaster Preparedness and Emergency Management to that end. Increasing numbers of women disaster managers and gender focal point representatives had been trained by the Office, which provided general training and facilities to ensure that women's specific needs would be met in the event of a natural disaster or a national emergency.

33. **Ms. Falconer** (Jamaica) said that representatives from all Government Ministries were given training on what to do in the event of a natural disaster. Emergency facilities and shelters were located around the country, including rural areas, and overseen by the National Disaster Committee, headed by the Prime Minister, to ensure that sufficient provisions were available. However, the topography of the country meant that mountainous regions were often cut off in the event of flooding, in which case supplies were air-dropped to residents. As the country was prone to natural disasters it was essential to ensure that the authorities were properly prepared and could assist inhabitants, including those in rural areas. The Ministry of Water, Land, Environment and Climate Change was working to mitigate the effects of natural disasters and climate change.

34. In response to the question on the poor enforcement of labour standards in the informal labour market, she acknowledged that it was hard to enforce standards on commercial traders and small businesses that were often not registered. The Ministry of Finance had been conducting a concerted registration campaign to encourage small businesses to apply for a tax registration certificate. The Government was also preparing to introduce a national identification system, assisted by the Government of the Republic of Korea, to monitor and record data on individuals, particularly those who worked in the informal sector. Currently, parish council records were the main source of information, but those had proved unreliable.

35. **Ms. Roberts-Risden** (Jamaica) said that the Government was currently developing its national identification policy, which would cover all Jamaican citizens and would ensure the better provision of public services.

36. **Ms. Murillo de la Vega** noted that it was often difficult for children with disabilities to integrate into

the national education system, as guaranteed under article 24, paragraph 2, of the Convention on the Rights of Persons with Disabilities. She asked what steps the Government intended to take to comply with those provisions.

37. **Ms. Rasekh** said that the periodic report did not contain any information on health provisions, specifically reproductive health care, for women with disabilities. She asked whether provisions were in place to ensure that persons with disabilities could physically access health centres and whether other support systems had been established. She also asked whether women victims of violence had access to free counselling and psychological support and whether systems were in place to help women who suffered from behavioural or mental health conditions.

38. **Ms. Jahan** reiterated her question on the impact of trade liberalization on women small holders, particularly those who owned banana or sugar cane plantations, and what steps the Government had taken to increase their global competitiveness. She also asked whether there was a national policy on aging and if so, whether it contained a gender perspective.

39. **Ms. Zou Xiaojiao** noted that the State party claimed that there was no gender discrimination within the education system; however, gender segregation did exist in some schools, a practice that was discouraged by the Committee as it was a form of discrimination and often led to segregation in the labour market. She also considered the claim that it was difficult for women to hold managerial and powerful positions owing to their family commitments and role as childcare provider to be an example of the ingrained gender stereotypes that persisted. Women and men should be encouraged to share the burden of family responsibilities.

40. **Ms. Šimonvić** asked whether Jamaica intended to ratify the Optional Protocol to the Convention. The jurisprudence of the Committee advocated for the possibility of abortion in cases where women or minors had been raped or sexually assaulted. National legislation needed to be brought into line with that jurisprudence and she therefore welcomed the current review of abortion law, but asked if significant changes were expected. The punishment for procuring an abortion was life imprisonment under a law that dated from the nineteenth century; she asked if the Government intended to review that law as well.

41. **Ms. Bareiro-Bobadilla** said that the Committee was concerned about the welfare of vulnerable women, particularly immigrant Haitian women who had arrived in Jamaica both prior to and in the wake of the 2010 earthquake. Women domestic workers were another highly vulnerable group as they could not negotiate their working conditions and had no pension entitlements. She asked whether the Government intended to ratify ILO Convention No. 189 on domestic workers and whether any policies were envisaged to help those women. Lastly, she requested sex-disaggregated data on land ownership.

42. **Ms. Falconer** (Jamaica) said that she had not intended to perpetuate gender stereotypes, but merely to paint a realistic picture of the division of labour in her country. More men were doing their share of housework and childcare, but in reality, most of it fell to the woman.

43. The Government was making tremendous efforts to ensure that persons with disabilities had equal access and equal opportunities to education and employment; however, a number of obstacles remained, including the problem of physical access to buildings, although that was now a legal requirement. Unfortunately the Government lacked the additional funds necessary to adapt the many general school buildings that were currently inaccessible to children with serious disabilities. She acknowledged that many children with disabilities were not registered in the general school system, but rather attended special schools, funded by the Government and NGOs; indeed, more needed to be done to help children with milder disabilities to integrate into the general school system.

44. **Ms. Webster** (Jamaica) said that persons with disabilities and vulnerable women were able to access health-care services provided by the Government, including reproductive health care, free of charge.

45. **Ms. Falconer** (Jamaica) said that the PATH and the National Health Fund ensured that all persons had access to health care. The Jamaica Drugs for the Elderly Programme provided financial assistance to reimburse older persons for the cost of medication.

46. **Ms. Webster** (Jamaica) said that there was no specific mental health programme in place, but there was a facility for the medical treatment of persons with mental health issues. There was a department dedicated to providing legal assistance and redress to victims of sexual assault within the Ministry of Justice.

47. **Ms. Falconer** (Jamaica) said that trade liberalization had decimated the banana and sugar cane industry in her country. As a result, farmers were being encouraged to diversify, particularly into areas such as quick cash crops with a three-month cycle from planting to harvesting. The Rural Agriculture Development Agency was conducting a survey, in conjunction with the University of the West Indies, to identify the different soil types present on each farm and the best crops for each. The Government provided financial and technical assistance to encourage farmers, particularly rural women, to use new technologies, such as greenhouse farming and drip irrigation, and was working with the Jamaica Agricultural Society to that end.

48. She confirmed that the National Policy for Senior Citizens was currently under review. Women had proved to be major participants in all the programmes launched as part of that policy, coordinated by the National Council for Senior Citizens, which was chaired by a woman. However, in the current economic climate of austerity, it was difficult to ensure the funding for facilities and services for older persons. Because many of the elderly were not entitled to a pension, the Government had initiated PATH and the Jamaica Drugs for the Elderly Programme. The gender focal points within the Ministry of Labour and Social Security were working with the National Council for Senior Citizens to improve the lives of older women.

50. **Mr. Francis** (Jamaica) said that the current law made no specific provision for abortion in cases of rape or incest, but in practice women in such situations had sought abortions from medical practitioners, as the law was only enforced if someone reported the abortion. Minors were protected under the Child Care and Protection Act, which provided that a doctor, or any other person who knew that a minor was pregnant, was duty-bound to report it, as an offence had been committed. The penalties for procuring an abortion were currently under review as part of the wider reform of the abortion laws and the views of the Committee would be taken into consideration.

51. **Ms. Falconer** (Jamaica) said that the Refugee Policy had been adopted by the Cabinet in 2009 in line with relevant Conventions and ensured basic care for refugees. Following the earthquake many Haitians had sought refuge in Jamaica; a system had been established, coordinated by the police and Social Services, to provide refugees with food,

accommodation, and medical treatment. All refugees were monitored until they could be repatriated.

52. She acknowledged that many domestic workers were not entitled to a pension and their low wages meant that they could not save for their retirement. It was therefore important that minimum wage legislation was in place to protect domestic workers and to force employers to make social security and health care contributions. Failing that, Government provisions were in place to protect the most vulnerable members of society and it was working with the Jamaica Household Workers Association to protect those workers, who made an important contribution to society.

53. The availability of sex-disaggregated data was important, not only for the Committee, but also for the development of Government policy. She would pass on the comments of the Committee to the Planning Institute of Jamaica and the police to ensure that it was available in the future.

54. **Ms. Webster** (Jamaica) said that professional statisticians had volunteered to work with Government ministries to ensure that such data would be available in the future. A successful statistics workshop had been held recently for all ministries and Government departments, with technical assistance from the Economic Commission for Latin America and the Caribbean (ECLAC), and had provided statisticians with the opportunity to share information and best practices, including how to incorporate a gender perspective.

Articles 15 and 16

55. **Ms. Murillo de la Vega** said that divorce proceedings in Jamaica were very complicated, involving lengthy separation periods, court appearances, delays, waiting periods and other requirements. Couples who had children aged 18 or under or 21 and under in full-time education or had a family business were less likely to be granted a divorce and had to meet many additional conditions. In cases where one of the spouses was abroad, they only had 28 days to reply to a request for divorce. The law also allowed for the equal division of assets, even those owned by one spouse prior to the marriage. She asked whether the State party intended to simplify the process, as the final decision to divorce should be

taken by the spouses, not a judge, and if there was a timetable in place.

56. **Mr. Francis** (Jamaica) said that the process was not as complicated as it appeared. The petition could go through the courts without either of the spouses having to attend the hearings. However, the court must be satisfied that the marriage had broken down irretrievably and that the couple had been separated for at least one year. If the judge believed that cohabitation would be resumed the divorce would not be granted. Often couples needed some time to explore the possibility of reconciliation and that was the spirit in which the law had been adopted. Couples that had been married for less than two years could be granted a divorce at the discretion of the court. The decree nisi was an interim ruling that was followed by the decree absolute. The system was not that different from divorce legislation in other jurisdictions, particularly within the Commonwealth. Marriage was a legal process with legal implications; the same consideration therefore applied should the contracting parties decide to dissolve the marriage. Women could apply for maintenance orders from the court during the separation period in order to receive maintenance payments from their husbands. Such requests were a priority for the court, particularly if children were involved. The Property (Rights of Spouses) Act provided for the equitable division of assets; however, if one of the spouses had inherited the family home or could prove that they owned the assets prior to the marriage there was no obligation to divide them.

57. **Ms. Murillo de la Vega** said that the requirement that spouses must live separately for one year before requesting a divorce was a form of indirect discrimination against women, who would be more likely to suffer as a result. She asked what criteria were used by the court to determine whether reconciliation was possible and under what conditions it could be considered justifiable for a court to tell a couple to reconsider. She also asked whether legal assistance and spousal support were available in the event a woman with no job or financial resources was forced to leave the family home.

58. **Ms. Neubauer** said that the Committee was extremely concerned that, in cases of domestic violence, such restrictive procedures could put the lives of women in danger. She asked if there were any exemptions for women who had been abused by their husbands.

59. **The Chair**, speaking in her capacity as an expert, said that there had been many similar laws in the region in the past; however, many countries had amended their legislation in recent years in an attempt to make the process less restrictive and offer greater protection to women.

60. **Mr. Francis** (Jamaica) said that his Government was aware of the concerns with regard to the length of proceedings. Under the Maintenance Act, women could apply for spousal support during the first year of separation and after the divorce. The courts considered the circumstances and calculated the amount accordingly. The Domestic Violence Act provided for the issuance of protection orders for women at risk from violent partners and even occupation orders that would allow them to remain in the family home.

61. **Ms. Falconer** (Jamaica) said that additional information on divorce law would be requested from the Office of the Attorney-General and provided to the Committee in writing.

62. She thanked the Committee for their candid and probing questions that had facilitated an open and transparent exchange. Her Government remained committed to improving the situation of women and would continue on the path toward their increased empowerment, in line with its obligations under the Convention and other international agreements. In the 50 years since independence, Jamaica had come a long way in transforming the role of women, and although it was still far from perfect, the prospects for continued improvement were excellent, particularly given the Government's commitment and its continued engagement with the Committee.

The meeting rose at 5.10 p.m.