



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-third session

### SUMMARY RECORD OF THE 880th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 30 May 2003, at 3 p.m.

Chairperson: Mr. DOEK

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##### Second periodic report of Jamaica (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Jamaica (continued) (CRC/C/70/Add.15; CRC/C/Q/JAM/2; CRC/C/RESP/36; HRI/CORE/1/Add.82)

1. At the invitation of the Chairperson, Ms. Bean, Ms. Betton, Ms. Clarke, Mr. Clarke and Mr. Smith (Jamaica) took places at the Committee table.
2. Mr. SMITH (Jamaica) said that a number of judicial and administrative mechanisms, including an independent Police Complaints Authority and a Bureau of Special Investigations, were in place to address the problem of police brutality, which was a matter of concern to both the authorities and the public in general. The Government of Jamaica was awaiting the report and the recommendations of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions following her recent visit to the country.
3. In 1997, the Government of Jamaica had notified the Secretary-General of the United Nations of its denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights on the ground that it was incompatible with the Privy Council ruling that all inmates facing the death penalty had to be executed within five years. Jamaica did not intend to withdraw its ratification of the Covenant itself. Remedies were available to petitioners under the Inter-American Convention on Human Rights, to which Jamaica was a party.
4. Mr. CLARKE (Jamaica) said that a children's registry would be established with the aim of providing information to the authorities in order to enable them to determine whether or not a child was at risk of abuse. Under the new Child Care and Protection Act, the relevant authorities would have the power to investigate reported cases and take the appropriate action. All persons found guilty of child abuse would be subject to a fine or to prosecution. All decisions in that regard would be taken in accordance with the best interests of the child.
5. Ms. CLARKE (Jamaica) said that a recent survey conducted by the United Nations Children's Fund (UNICEF) had revealed that the overwhelming majority of Jamaican adolescents were of the view that their parents cared about them. Most young people claimed to have an excellent relationship with their mothers.
6. The Government had adopted a number of initiatives to strengthen the family and to improve family life. One such initiative was the incorporation of a Family Life Education Programme into the school curriculum, which included sex education. In addition, trained guidance counsellors at all schools encouraged children to maintain good relations with their parents or guardians. Parenting education programmes were promoted by the Coalition for Better Parenting, a volunteer group that brought together a number of different child-related bodies with the aim of standardizing the approach to parenting. A committee had been established to monitor the implementation of a strategic plan for parenting that had been launched in early 2003. Regrettably, progress had been slow owing to a lack of financial resources. Another new measure was the establishment of Fathers Incorporated, a community-based parenting group for Jamaican fathers. Awards were offered to encourage men to become caring, committed and responsible parents. Parental education programmes were also

offered to male adolescents and young men. Furthermore, under the New Horizons Project funded by the United States Agency for International Development (USAID), a parenting manual had been made available to parents of primary school children in a pilot area. It was hoped that sufficient funds would be made available to extend that initiative to all areas of the country.

7. The Government had launched a reform of its Social Safety Net Programme in order to increase assistance to vulnerable families. In addition, a number of different schemes had been consolidated under the Programme of Advancement through Health and Education. The aim was to increase allowances allocated to households in keeping with inflation and to improve methods of payment. A beneficiary identification system had been developed to identify families most in need of assistance. Children from disadvantaged families benefited from school feeding and textbook rental programmes.

8. The adolescent fertility rate in Jamaica had dropped, chiefly as a result of the strategies employed by the National Family Planning Board. A number of programmes had been introduced to encourage teenage mothers to return to school. For example, the Women's Centre Foundation of Jamaica provided continuing education and counselling for young girls who had become pregnant while in school. Outreach centres had been established in the most vulnerable communities.

9. The National Plan of Action for HIV/AIDS provided teenagers with education and services. Two health clinics had been opened as part of a pilot scheme to provide confidential counselling services for adolescents. The clinics provided an out-of-hours service that enabled adolescents to seek advice in the evenings and at weekends.

10. The CHAIRPERSON asked what steps were being taken to inform the public of the Government's intentions to prohibit corporal punishment. He also wished to know whether the extended family played an important child-rearing role, given the high number of single-parent families.

11. Ms. CLARKE (Jamaica) said that the Government of Jamaica recognized the need to raise public awareness of the provisions of the new Child Care and Protection Act and other child-related legislation and had therefore taken steps to develop a public education campaign. Efforts would be made to make all new legislative provisions available to the public in a reader-friendly format. Family structures within Jamaican society were such that extended families often provided support for single parents. The extended family network was particularly strong in rural areas.

12. A number of qualitative and quantitative studies had been undertaken to try to determine the obstacles to birth registration. A number of problems had been identified and strategies had been developed to improve the situation. As a result, the Registrar General's Department had been restructured and computerized. Other initiatives had been the introduction of mobile registration units and the organization of registration fairs.

13. Ms. OUEDRAOGO enquired whether the Government had considered decentralizing the system of issuing civil status documents so that parents could obtain birth certificates for their children at the local level rather than having to apply to a central agency.

14. Mr. CITARELLA asked whether there was any correlation between birth registration and the payment of hospital fees.

15. Ms. CLARKE (Jamaica) said that birth registration was free of charge. Children born in hospital were registered automatically, and the statistics were then sent to the Registrar General's Department. In order to ensure that children received a birth certificate, the Registrar General's Department was in the process of opening regional offices for the registration of births, marriages and deaths. The Government's efforts to improve birth registration were targeted primarily at the small percentage of births that did not take place in hospital.

16. Mr. CLARKE (Jamaica) said that, according to the Jamaican Constitution, no person should be treated in a discriminatory manner by any person acting by virtue of any written law. It defined the expression "discriminatory" to mean "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed". It was debatable whether or not the provisions provided sufficient protection against discrimination on grounds of gender, as no explicit reference to gender was made.

17. The CHAIRPERSON said that he wished to know whether Rastafarian children continued to face discrimination.

18. Mr. CLARKE (Jamaica) said that, in accordance with the Constitution, Rastafarian children were not subjected to any discriminatory treatment by the authorities. In fact, the Rastafarian community had been granted several privileges under the Jamaican legal system in order to take into account their particular religious beliefs.

19. Ms. ALUOCH asked whether children became Rastafarians of their own free will.

20. Mr. CLARKE (Jamaica) said that, while children were free to choose their own religion, they usually took the religion of their parents.

21. Ms. VUCKOVIC-SAHOVIC asked whether freedom of choice was guaranteed by law. She would be interested in knowing the extent to which children were free to express their own religious or cultural views.

22. Mr. CLARKE (Jamaica) said that most fundamental rights and freedoms were guaranteed under the Constitution.

23. The CHAIRPERSON enquired whether children were allowed to express their opinions in schools.

24. Mr. SMITH (Jamaica) said that it was taken for granted in Jamaica that children could express their opinions in schools.

25. Ms. SMITH wished to know whether, in keeping with the Convention, children in Jamaica were free to choose their own religion.

26. Mr. CLARKE (Jamaica) said that Jamaican children frequently adopted the religion of their parents. However, the Jamaican Constitution granted children the right to choose their own religion.
27. Mr. SMITH (Jamaica) said that the Constitution also granted the right to freedom of assembly. Since the Constitution was the supreme law of Jamaica, the Government could not enact any laws that contravened it.
28. Mr. CLARKE (Jamaica) said that the majority of Jamaica's intercountry adoptions were - subject to an evaluation of the suitability of the adoptive parents - concluded with families in the United States of America, which was among the approved countries listed in the Adoption Act. The Government planned to amend the Adoption Act and was reviewing the various conventions that Jamaica had ratified in order to ensure that the proposed amendments were in line with their provisions. Currently, adopted children in Jamaica did not have the right to know their natural parents, except by court order in exceptional circumstances.
29. Ms. CHUTIKUL said that, in some countries, both formal and informal adoptions existed. She enquired whether, under Jamaican legislation, children who were adopted informally had the right to inherit from their adoptive parents.
30. Mr. SMITH (Jamaica) said that, while both types of adoption existed in Jamaica, informally adopted children did not enjoy the same rights as formally adopted children with regard to inheritance and maintenance. Similarly, informally adopted children did not have the same duties as formally adopted children. For those reasons, formal adoption was encouraged.
31. Mr. LIWSKI enquired whether the Government kept a register of private adoption agencies and, if so, whether a central adoption board monitored their activities. He also asked whether an adoption authorization was issued by the courts and what the relationship was between the courts and the central adoption board.
32. Ms. ALUOCH wished to know the reasons for the Government's plans to amend its legislation in order to grant adopted children the right to know their natural parents.
33. Mr. CLARKE (Jamaica) said that the new phenomenon of adopted children who wished to know their natural parents in Jamaica had not yet been addressed by the Government. It was a matter that involved balancing the child's wishes with respect for the confidentiality of the natural parents. Many parents viewed their adopted children as natural children and chose not to tell them that they were adopted. It was a delicate issue that would call for a great deal of sensitivity when it came to incorporating it into legislation.
34. The Adoption Board was the only body that could legally carry out adoptions; no private adoption agencies existed. Following an assessment of the suitability of the adoptive parents, the courts entered the process in order to grant the adoption and establish the conditions relating to each case.
35. Ms. CLARKE (Jamaica) said that a review of residential and non-residential government institutions had been commissioned. Efforts were under way to improve the quality of care in non-residential institutions, such as day-care centres. The Government had adopted the Early

Childhood Act, which was aimed at regulating standards in early childhood institutions and the Early Childhood Commission Act, which established a commission to govern the administration of early childhood care, education and development for children up to the age of 8.

36. Standards had also been developed to regulate the operation of residential institutions, and the Government was engaged in ongoing capacity-building and staff training in order to increase the effectiveness of the services provided by such institutions. The newly created Child Development Agency offered a holistic approach to the care and monitoring of children in institutions, while the Betting Gaming and Lotteries Commission provided funds to improve the institutions' physical infrastructure.

37. There had been a campaign to reduce the number of children in institutions and to reunite them with their families. Low-income families had received support from various government social programmes, and reunification took place only in cases in which it was considered to be in the best interests of the child. Very often, the children were old enough to participate in decisions regarding reunification.

38. The Government recognized the importance of health and safety in the home and had included it in its programmes to educate parents. It also recognized the need for night-care services, particularly for the children of parents employed in the entertainment industry. If accidents and fires involving children were found to be the result of abandonment or neglect, the parents in question would be taken into custody.

39. Ms. AL-THANI said that, according to reports she had read, the number of children involved in accidents and fires was considerable and constituted one of the leading causes of death among young children. It was her understanding that a three-month period of maternity leave was granted only to mothers above the age of 18, which meant that working mothers below that age were not eligible for such leave. The delegation should confirm whether or not all workplaces offered day-care services.

40. Ms. CLARKE (Jamaica) said that not all offices and workplaces offered day-care services; however, there were more than 3,000 early childhood institutions in Jamaica, including community day-care centres. The Government regulated those institutions through its policies, and standards and the Early Childhood Act.

41. The Government had conducted research in order to inform its policy decisions on the problem of gangs in Jamaica, which were confined to a few inner-city communities. Progress in dismantling the gangs had been made through a programme of social and economic reforms, which included creating jobs, condemning derelict buildings, supplying clean water and sanitation, and undertaking activities to improve gang members' self-esteem. The programme was fairly recent and its results were being monitored closely. A peace-management initiative had also been launched in some inner-city communities in order to pre-empt and diffuse conflicts and to involve communities in disbanding the gangs. The initiative had been successful in 15 inner-city communities.

42. The CHAIRPERSON enquired whether there were provisions to prosecute parents who ignored their obligation to pay for their children's upbringing.

43. Mr. CLARKE (Jamaica) said that there were provisions in Jamaican legislation to penalize parents who failed to comply with court orders. However, it was sometimes difficult to invoke such provisions in cases where parents were either unemployed or underemployed. Decision makers should be aware of such situations when determining whether or not it was in the best interests of the child to invoke the provisions.

44. Ms. CHUTIKUL enquired whether basic education in Jamaica included pre-primary levels. She had received reports that there were recognized and unrecognized schools in Jamaica that received different levels of government financial support and had different standards. She requested clarification of the differences between the two categories of schools and asked what the Government was doing to improve the quality of education.

45. The delegation should provide explanations for the low school attendance rates and the high repetition and dropout rates among boys. In addition, it should indicate what the Government was doing to improve students' low scores on national academic tests. Since the unemployment rate among girls was high, she wished to know what steps the Government was taking to help girls find work after graduation.

46. She commended the Government for its efforts to set up a special liaison unit within the police department at the national level to deal with children. She wondered whether such efforts had been successful. She enquired whether such units also existed at the local level and what kind of training was given to law enforcement officers to make them aware of gender differences. Lastly, she wished to know whether there were any female police officers in Jamaica and, if so, whether they were effective.

47. Ms. AL-THANI asked whether any progress had been made in reducing the disparity between the urban and rural areas in the level of services for disabled children. She also wished to know what the extent of that disparity was, and whether there were regional differences in the quality of primary health care. She requested the latest official statistics for infant mortality.

48. Since Rastafarians were exempted from immunization, she asked whether the authorities were concerned about the possible negative effects that that might have on the immunization programme. She asked what was being done about the low rate of immunization coverage for measles.

49. In view of the fact that the Government had introduced charges for health services, she asked whether any future increase in health-care costs would automatically be passed on to patients. The number of HIV/AIDS cases had continued to increase, and a large number of children had been infected or orphaned. While the Government was already implementing an impressive range of measures to combat the disease, she wondered whether it was contemplating further measures. She requested information about government steps to deal with the increase in substance abuse among children and adolescents. She also requested statistics on adolescent suicide.

50. Ms. VUCKOVIC-SAHOVIC asked what offences were most frequently committed by juveniles and what percentage of offenders received a sentence. She wished to know what

happened to juvenile offenders who were not sentenced. In view of the widespread allegations of substandard conditions in State institutions for juveniles, she wished to know what the Government intended to do to improve those conditions.

51. Ms. Yanghee LEE asked what powers the Special Envoy for Children had. The current Special Envoy was highly committed to children's rights, and she wondered whether successors to the post would have as much authority.

52. She asked why there was no mention in the second periodic report (CRC/C/70/Add.15) of a system for the early detection of disability. The delegation should explain why some disabled children in privately run residential institutions were denied contact with their families.

53. Mr. KRAPPMANN requested information about campaigns to raise funds for insufficiently equipped schools. In view of the continued existence of unrecognized schools, he asked whether the Government was making efforts to ensure that all children could attend recognized schools.

54. Mr. CITARELLA asked what plans the Government had to enhance the role of Jamaican patois in education. He wished to know what measures the Government was taking to improve the school attendance rate among girls. He asked whether teenage mothers had to continue their education at the Women's Centre or whether they could attend ordinary schools.

55. Since persons under the age of 18 could not be sentenced to life imprisonment without the possibility of release, he wondered what the maximum penalty was in such cases. He asked what the Government was doing to prevent children from being held in police lock-ups in substandard conditions. He also wished to know whether children were still being held in police lock-ups in the same cells as adults, as had been reported by the Special Rapporteur on torture in 1995.

56. Mr. LIWSKI asked whether the Government had a strategy to reduce the high infant mortality rate. He wished to know whether, and how, primary health-care centres succeeded in mobilizing the participation of local communities in their programmes. He wondered what the Government was doing to recognize the existence of traditional medicine, without impeding access to modern medical practices. He wished to know whether medical staff, especially at primary health-care centres, received training in children's rights and, if so, with what success. He enquired what role health-care centre staff played in community efforts to deal with groups of violent adolescents. Finally, he asked whether the Government had a specific mental health programme for children and adolescents.

57. Ms. SMITH asked whether the accelerated programmes for gifted children implemented in some schools had proved a success. She wondered whether it was true that the Government allowed Jehovah's Witnesses to refuse blood transfusions when their children needed them and, if so, whether the Government had any plans to change that policy. She requested confirmation that the Government planned to increase the number of family courts.

58. Mr. FILALI asked whether, in view of the overpopulation of Jamaican prisons, the authorities were contemplating alternatives to closed or full-time imprisonment for minors. He asked whether university students were encouraged to study juvenile justice, particularly with

regard to the imprisonment of minors. In view of the reduced number of private education establishments, he wondered whether the Government was planning to increase private education.

59. Ms. ALUOCH said that the information on ways of reporting child abuse was unsatisfactory. She asked how reporting procedures worked in practice and how children living in the countryside could report abuse, since the institutions listed in the second periodic report might not be accessible to them. She wondered whether children, especially those in rural areas, had any other means of reporting abuses.

60. The CHAIRPERSON asked whether it was true that children who were victims of abuse were kept in the same institutions as delinquents. If that was the case, he asked whether the Government was considering putting an end to that practice.

The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.

61. Mr. SMITH said that the appointment of the Special Envoy for Children was a political decision taken by the Prime Minister. The functions of that office were essential to the Government's efforts to protect children's rights and they would undoubtedly be maintained in some capacity in the future.

62. Ms. CLARKE (Jamaica) said that there were only a few unrecognized basic schools in Jamaica. All basic schools and early childhood development institutions had to meet minimum standards in order to qualify for a licence. A key element of the Government's secondary education reform programme was a commitment to find every child a place at secondary school. The Government fully recognized the importance of private schools in the education system, and had established a partnership with them. Some students received government grants to attend private schools.

63. A multisectoral committee of experts had been set up by the Ministry of Health to deal with problems facing children with special needs. In particular, the committee had been addressing the issue of the early detection of disabilities. Screening mechanisms at schools and health clinics had been standardized.

64. The findings of an investigation into the reasons for male underachievement in education and school abandonment would soon be published. Successful measures had been taken to reduce the illiteracy rate, including the Government's summer literacy programme and a pilot project funded in part by UNICEF.

65. Jamaican patois had received official recognition in cultural matters. The main reason that English remained the official language of education in Jamaica was that secondary-level examinations were conducted in conjunction with other English-speaking Caribbean countries.

66. Although teachers sometimes conducted fund-raising campaigns in schools, that activity did not disrupt classes, and the related recreational activities encouraged positive involvement in school life. Parents were encouraged to help pay for extra facilities. Parents who were unable to

pay for their children's examinations and other school fees could apply, in all confidentiality, to the Government's school fee assistance programme. The private sector also assisted needy parents with their children's education costs.

67. The CHAIRMAN asked for information on the results of the programme for gifted children.

68. Ms. CLARKE (Jamaica) said that the accelerated programme for gifted children was designed to enable gifted children to take full advantage of their abilities.

69. Alternative medicine was gradually becoming accepted in Jamaica. Research and experiments were being carried out in order to examine the effects of alternative medicine, and conferences and public education programmes on the subject were being held.

70. The Women's Centre Foundation of Jamaica provided facilities for pregnant girls. Once a child was weaned, efforts were made to reintegrate teenage mothers into the education system.

71. She said that, although the number of HIV/AIDS cases had increased, the rate of increase had declined. It was important to consider whether the increase in the number of cases reflected the improved efficiency of the testing system.

72. Although hospital services were not free of charge, persons in need of treatment and who were unable to pay were not to be turned away. A national health fund designed to help persons with special needs and a special programme enabling the elderly to purchase medicine at reduced prices had been launched.

73. A national plan of action had been developed and a special committee had been set up to implement and monitor programmes for orphans infected with HIV/AIDS. Children were either put into foster care or children's homes or were placed with their extended family.

74. Suicide among adolescents remained a problem in Jamaica. In that regard, a public forum, at which relatives of suicide victims were encouraged to share their experiences, had been instituted and a number of prominent figures had spoken on radio and television on ways to detect and prevent suicide.

75. The National Council on Drug Abuse operated several programmes on drug abuse prevention. The National Master Drug Prevention and Control Plan was currently being updated. Hospitals and non-governmental organizations (NGOs) provided rehabilitation services. A drug-awareness week was held once a year.

76. The CHAIRMAN wished to know whether there were disparities in services between rural and urban areas and what measures were being taken to reduce those disparities.

77. Ms. CLARKE (Jamaica) said that there was a disparity in terms of specialized hospitals. Although it was not feasible to set up specialized hospitals in every parish, a good system of referral was in place and ambulance services were provided.

78. Mr. CLARKE (Jamaica) said that children in Jamaica could not be sentenced to death. They could be sentenced to life imprisonment but only with the possibility of parole.

79. Police liaised with authorities on child-related matters and received special training in that regard. Centres for sex offences, investigation and child abuse had been set up in every parish.

80. Two family courts were currently in operation. The Government was planning to create more family courts when the necessary resources became available. Depending on the nature of the situation, courts could issue a probation order, a correction order, a supervision order or a fit-person order for a child. Efforts were being made to discontinue the practice of holding children who were victims of abuse in the same facility as offenders.

81. The CHAIRMAN asked the delegation to comment on the 1995 report of the Special Rapporteur on torture, which alleged that children were being held in police lock-ups in the same cells as adults.

82. Ms. CLARKE (Jamaica) said that efforts had been made to change the situation. For example, special holding areas for children had been set up in a number of police stations.

83. The CHAIRMAN enquired whether any income-generating projects for young people had been conducted. He also wished to know how the Government dealt with the reluctance of Jehovah's Witnesses to undergo immunization.

84. Mr. CLARKE (Jamaica) said that, although the Government preferred to use persuasion rather than force, in case of a real threat to public health, the Constitution allowed for public health measures to be enforced.

85. Ms. SMITH (Jamaica) enquired whether the Government allowed parents to prevent their children from having blood transfusions, even if the child's life was in danger.

86. Mr. CLARKE (Jamaica) said that he was not prepared to answer the question as the issue was controversial and would have to be addressed by the Government. However, in general, blood transfusion would not be carried out without the parents' consent.

87. Mr. SMITH (Jamaica) said that, in order to reply to the question concerning blood transfusion, it was important to consider whether any specific instances of children being prevented by their parents from receiving blood transfusions had occurred and, if so, how the Government had dealt with those cases.

88. Ms. CLARKE (Jamaica) said that a number of training programmes for young unemployed persons, including the National Youth Service programme, were being implemented. National youth service workers received special training in the area of early childhood development. A national youth policy was currently being finalized, and a national strategic plan for youth development would also be drawn up and implemented.

The meeting rose at 6 p.m.