

Responses to Recommendations

JAMAICA

Review in the Working Group: 08 November 2010
 Adoption in the Plenary: 17 March 2011

Jamaica’s responses to recommendations (as of 05.07.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
72 REC accepted (among which 35 are considered as already implemented or in the process of implementation); 26 rejected; 23 pending	Out of the 23 pending, 4 were accepted, 1 was rejected, 15 were given an unclear position, 1 was “being considered” (n° 100.5 -> pending), 1 postponed (n° 100.17 -> pending) and 1 was not addressed (n° 100.20 -> pending)	The President of the Human Rights Council asked for clarifications on REC n°100.2 -> 100.8, 100.11, 100.14, 100.15 and 100.20 -> 100.23. The delegation took note of them. For some of those REC, our understanding of the addendum was different	Accepted: 76 Rejected: 27 No clear position: 15 Pending: 3

List of recommendations contained in Section II of the Report of the Working Group A/HRC/16/14:

98. The recommendations formulated during the interactive dialogue and listed below have been examined by Jamaica and enjoy its support:

A - 98.1. Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Morocco) (Mexico); ratify CRC-OP-SC (Spain) (Republic of Moldova) (Haiti), in order to pay special attention to the protection of children (Republic of Moldova)/,which has already been signed by Jamaica (Haiti);

A - 98.2. Consider ratifying the Optional Protocol to the Convention on Persons with Disabilities (Panama); ratify OP-CRPD, currently before Parliament (Spain); become a party to OP-CRPD (Argentina);

- A - 98.3. Continue harmonizing its domestic legislation with its international human rights obligations (Nicaragua);
- A - 98.4. Consider expanding human rights education in the school programme so that it includes the main international human rights instruments, and consider strengthening and expanding the human rights education programmes for law enforcement officials and military personnel (Costa Rica);
- A - 98.5. Continue cooperating with international human rights mechanisms to strengthen its institutional capacity in the defence and promotion of human rights (Nicaragua);
- A - 98.6. Take practical steps to fulfil its reporting obligations to various treaty bodies (Azerbaijan);
- A - 98.7. Address appropriately the challenges identified by treaty bodies' reports, particularly those relating to gender equality, the rights of the child and the elimination of violence against women, and consider requesting technical assistance from OHCHR in order to duly implement treaty bodies' recommendations (Costa Rica);
- A - 98.8. Continue to address gender inequality (Bangladesh);
- A - 98.9. Continue strengthening the institutions and preventive policies relating to gender issues and discrimination against women (Chile);
- A - 98.10. Implement further policies to ensure gender equality throughout society and strengthen the promotion of the rights of women (South Africa);
- A - 98.11. Continue the measures to increase women's participation in public and political life (Azerbaijan);
- A - 98.12. Further intensify the already laudable steps being taken to improve the conditions of juvenile detention (Mauritius);
- A - 98.13. Continue implementing further plans and programmes to reduce levels of violence against women and girls (Colombia);
- A - 98.14. Continue its efforts to eliminate violence against women (Azerbaijan);
- A - 98.15. Consider additional awareness-raising campaigns concerning domestic violence cases (Republic of Moldova)¹;
- A - 98.16. Ensure prompt and effective investigation of gender-based violence and that alleged perpetrators are prosecuted (Norway)²;
- A - 98.17. Further strengthen efforts to prevent and combat trafficking in persons and the sexual exploitation of children (Brazil);
- A - 98.18. Implement the recommendations of the Jamaican Justice System Reform Task Force report and provide the justice system with adequate resources and structures to do this effectively (United Kingdom of Great Britain and Northern Ireland);
- A - 98.19. Implement a comprehensive policy to address serious deficiencies in the judiciary and in the security forces, as recommended by the Jamaican Justice System Reform Task Force (United States);
- A - 98.20. Implement the conclusions of the reports on justice and police reform in a most systematic and efficient way (Norway);
- A - 98.21. Continue to pursue police and justice reforms aimed at reducing crime and impunity, while fully respecting human rights (Brazil);
- A - 98.22. Speed up its efforts to effectively combat criminal networks (Azerbaijan);

A - 98.23. Work to ensure that the Independent Commission of Investigations receives appropriate resourcing and support to enable it to effectively perform its functions (Australia);

A - 98.24. Give the new Independent Commission of Investigations the necessary political support and operational resources to fulfil its mandate (United Kingdom of Great Britain and Northern Ireland);

A - 98.25. Continue implementing programmes and measures to ensure the enjoyment of quality health and education services for the whole of its population (Cuba);

A - 98.26. Continue to take measures to improve its health-care service, especially to guarantee the right of children to healthy growth (China);

A - 98.27. Continue implementing actions aimed at reducing maternal mortality from indirect causes (Colombia);

A - 98.28. Continue to strengthen education cooperation with international educational organizations (China);

A - 98.29. Continue implementing the country's strategies and plans for socioeconomic development, particularly with a view to reducing poverty (Cuba);

A - 98.30. Share its experience and expertise, through multiform and multisectoral cooperation, with the countries of the region that are well behind in achieving Millennium Development Goals, noting that Goals 1 and 2 have been implemented and that Goals 5 and 7 are in the process of being implemented by Jamaica (Haiti);

A - 98.31. Request technical and financial assistance from relevant United Nations institutions to reactivate the innovative hospital project concerning the ill treatment of children, which has been suspended owing to a lack of resources (Algeria);

A - 98.32. Consider requesting technical assistance from OHCHR to prepare and implement an appropriate policy that is human-rights-centred to prevent and combat violence (Panama);

A - 98.33. Ask the major industrialized economies to help promote and protect human rights in the country, both by reducing greenhouse gas emissions to "safe" levels that are consistent with the full enjoyment of human rights, and by funding adaptation measures to help the country cope with those changes that are already taking place (Maldives);

A - 98.34. Continue to develop and implement strategies to counter the negative impacts of climate change in cooperation with and with assistance from the international community (Bangladesh);

A - 98.35. Implement the recommendations of this universal periodic review session with the involvement of civil society and non-governmental organizations (Hungary);

A - 98.36. Call upon the international community, in particular the bilateral partners of Jamaica, to offer all the necessary development support and cooperation to Jamaica for the implementation of the universal periodic review recommendations in country-driven and country-owned approaches, as forcefully stressed by the Honourable Minister (Mauritius);

A - 98.37. Adopt targeted policies and programmes to offer protections for the most vulnerable in society, including women, children and persons with disabilities, and to eliminate discrimination against them (Canada)³.

99. The following recommendations enjoy the support of Jamaica, which considers that they have already been implemented or are in the process of implementation:

A - 99.1. Prioritize the implementation of the recent legal reforms to eliminate discriminatory provisions against women in compliance with CEDAW (Hungary);

A - 99.2. Enhance the training and oversight of police to ensure compliance with domestic and international standards and human rights norms (Canada);

- A - 99.3. Explore the possibility of upgrading equipment and providing human rights education and training for police and other law enforcement personnel in the effort to improve the security situation and to further restore public confidence, in support of the police and other security forces in the country (Malaysia);
- A - 99.4. Continue to enhance the training being offered to security personnel, with a special focus on the fundamentals of ethics, the use of force and human rights (Turkey);
- A - 99.5. Continue assessing invitations to human rights special procedures as a measure to strengthen cooperation in areas to be determined by the authorities (Chile);
- A - 99.6. Consider extending invitations to all United Nations special procedures on a case-by-case basis, in order to benefit from this mutually enriching cooperation, exchange of experience and expertise and opportunities for future progress (Republic of Moldova);4
- A - 99.7. Address the concerns raised by the Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and those raised by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (United States);
- A - 99.8. Take steps to reduce overcrowding in the prisons by imposing alternative sentences, where possible (Ghana);5
- A - 99.9. Supervise conditions in youth correctional facilities and guarantee that it complies with the Law on Child Care and Protection, in order to determine the progress made at the national level (Ecuador);6
- A - 99.10. Ensure that the new detention centres, which will be established in accordance with the auditing mentioned in the national report, comply with international standards, in particular regarding separation of minors from adults and the prohibition of corporal punishment (Mexico);7
- A - 99.11. Establish, in cooperation with civil society, a detailed strategy with a view to eliminating harmful cultural practices and discriminatory stereotypes against women (France);
- A - 99.12. Take measures to eradicate traditional stereotypes of women, especially through educational programmes that promote gender equality and women's rights (Netherlands);
- A - 99.13. Establish adequate services and opportunities for children with disabilities (Germany);
- A - 99.14. Enhance the facilities, services and opportunities for children and persons with disabilities (Trinidad and Tobago);
- A - 99.15. Conduct thorough investigations into all allegations of extrajudicial executions, and ensure that those responsible are punished in accordance with the seriousness of the crimes committed and that witnesses are protected from any possible reprisals (Belgium);
- A - 99.16. Take all necessary measures to ensure accountability for unlawful use of force and extrajudicial killings by police officers, including diligent criminal investigation, prosecution and punishment of perpetrators (Canada);
- A - 99.17. Take the necessary measures to prevent the excessive use of force by security forces and investigate all cases in which such excessive use of force has led to death, as well as bring to justice and punish appropriately all perpetrators of extrajudicial executions (France);
- A - 99.18. Promote greater accountability for the failure of police officers to comply with professional standards of conduct, and carry out full, impartial and independent investigations where the use of force results in the killing of civilians (United Kingdom of Great Britain and Northern Ireland);
- A - 99.19. Ensure effective investigation, prosecution and sanctioning of members of the police who use excessive force or are responsible for unlawful killings (Netherlands);
- A - 99.20. Ensure that all allegations of unlawful killings, ill treatment or excessive use of force by police forces are investigated and that perpetrators are brought to justice (Sweden);

A - 99.21. Establish a system of effective and transparent accountability to investigate, prosecute and punish those responsible for alleged police abuses and, in particular, possible extrajudicial executions, in order to avoid the perception of impunity and overcome the worrying disenchantment of public opinion regarding the acts of the security forces in their fight against crime (Spain);

A - 99.22. Ensure continuous reporting to the public on the status of investigations of cases of arbitrary detention and of extrajudicial killings, and ensure the provision of adequate resources and independent administrative structures for the justice system (Hungary);

A - 99.23. Ensure the investigation of all allegations of ill treatment and excessive use of force, and bring the perpetrators to justice (Hungary);

A - 99.24. Ensure due investigation and prosecution, in accordance with international standards, of all allegations of ill treatment or excessive use of force by law enforcement personnel, including through the establishment and empowerment of its Independent Commission of Investigations, and provide sufficient compensation to the victims or their families (Slovakia);

A - 99.25. Carry out appropriate, independent, effective and transparent investigations into the deaths that occurred between 24 and 28 March 2010 in West Kingston during police operations, make public the outcomes of such investigations, and bring to justice the perpetrators of human rights violations (Spain);

A - 99.26. Establish within the Police Service a domestic violence and victims support unit (Ghana);

A - 99.27. Establish more shelters for women victims of violence (Norway);

A - 99.28. Step up the implementation of legislative, policy and administrative measures aimed at combating gender-based violence and sexual harassment (Malaysia);

A - 99.29. Further adopt and implement policies and measures aimed at preventing and punishing discrimination and violence against women, including sexual violence (Brazil);

A - 99.30. Continue to undertake awareness-raising and prevention campaigns aimed at addressing gender-based violence and discrimination against women (Slovenia);

A - 99.31. Implement the recommendations of the Jamaican Justice System Reform Task Force Report to ensure a modern justice system that is efficient, accessible, accountable, fair and able to deliver timely results (Canada);

A - 99.32. Strengthen respect for human rights within the security forces while vigorously investigating and prosecuting alleged human rights abuses, in order to restore the people's faith in both the judiciary and law enforcement (United States of America);

A - 99.33. Establish a procedure to review decisions by the Director of Public Prosecution regarding the prosecution of police officers for unlawful killings (Netherlands);

A - 99.34. Provide all enforcement officials with proper sensitivity training in relation to sexual orientation, gender identity and HIV/AIDS (Slovenia);

A - 99.35. Reflect on ways and means to address the obstacles and challenges that still affect Jamaican society, in particular the high rate of violent crime and worsening security problems and the country's extreme vulnerability to natural disasters and global economic instability, within a framework of close cooperation with the international community (Morocco).

100. The following recommendations will be examined by Jamaica, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011. The response of Jamaica to these recommendations will be included in the outcome report to be adopted by the Council at its 16th session:

R - 100.1. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as soon as possible, to allow individual complaints of alleged violations of such rights to be heard by CESCR (Portugal);

N/C - 100.2. Sign and ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal); become a party to CAT (United States); ratify CAT (Sweden); ratify CAT and adjust its national criminal legislation accordingly (Republic of Moldova); ratify CAT and duly translate the Convention into its domestic legislation to address the crime of torture (Slovakia); consider acceding to CAT and the Optional Protocol thereto, while bearing in mind its domestic legislation (Costa Rica); sign and ratify CAT and OP-CAT (Spain); become a party to CAT and OPCAT (Argentina); ratify CAT and OP-CAT (Ecuador); ratify both CAT and OP-CAT, and revise its domestic laws to include the provisions of CAT (Maldives);

N/C - 100.3. Accomplish progressively human rights voluntary goals, as set up by Human Rights Council resolution 9/12, including the ratification of CAT (Brazil);

N/C - 100.4. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Panama); sign and ratify OP-CEDAW (Spain); become a party to OP-CEDAW (Argentina); ratify OP-CEDAW (Morocco) (Turkey) (Trinidad and Tobago) and establish an overall strategy to eliminate all harmful practices constituting discrimination against women (Morocco); abide by CEDAW and ratify OP-CEDAW (Ecuador);

P - 100.5. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); become a party to CED (Argentina);

N/C - 100.6. Accede to the United Nations Convention relating to the Status of Stateless Persons of 1954 and to the Convention on the Reduction of Statelessness of 1961 (Germany);

N/C - 100.7. Accede to the Rome Statute of the International Criminal Court (Ecuador);

N/C - 100.8. Consider adapting domestic legislation to international standards and instruments in the field of refuge and asylum (Argentina);

A - 100.9. Improve its cooperation with the United Nations treaty bodies by making it a priority to submit its future reports on time (Norway);

N/C - 100.10. Adopt and implement, in the short term, the project of a constitutional amendment on the Charter on Rights and Freedoms, bearing in mind the extensive legislative work that has been carried out in this regard (Mexico);

N/C - 100.11. Consider the possibility of establishing a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Haiti);

N/C - 100.12. Give due consideration to the establishment of a national human rights institution in accordance with the Paris Principles (Mauritius);

N/C - 100.13. Consider the establishment of a national human rights institution based on the good practices of other countries (Panama);

N/C - 100.14. Establish a national human rights institution in line with the Paris Principles (South Africa);

N/C - 100.15. Establish a national commission for women's and children's affairs (Ghana);

A - 100.16. Identify needs in terms of strengthening necessary capacities to overcome the current shortcomings of the normative and institutional framework for the promotion and protection of human

rights, and request appropriate technical assistance, including for the establishment of a national human rights institution (Algeria);

P - 100.17. Establish an independent commission of inquiry into the events surrounding the Tivoli Gardens incident in May 2010 (United Kingdom of Great Britain and Northern Ireland);

A - 100.18. Fulfil its commitments to build improved detention facilities (Canada);

A - 100.19. Intensify efforts aimed at improving living conditions in prisons, putting an end to the detention of children in police stations and accelerating the adoption of measures to protect children in juvenile correctional facilities (Algeria);

P - 100.20. Establish adequate regulations regarding asylum seekers and refugees in order to promote and protect their rights and to find durable solutions, as stipulated in international law (Namibia);

N/C - 100.21. Reinforce legal protections against discrimination to include sexual orientation and gender identity as prohibited grounds for discrimination (Canada);⁸

N/C - 100.22. Initiate or join public campaigns so as to encourage tolerance towards homosexual, bisexual and transsexual persons (Belgium);

N/C - 100.23. Start a public information campaign to combat discrimination based on sexual orientation (Netherlands).

101. The following recommendations do not enjoy the support of Jamaica:

R - 101.1. Consider ratifying all outstanding international human rights instruments, and update domestic legislation to bring it into line with the provisions of these international treaties (South Africa);

R - 101.2. Ratify international human rights standards to which it is not yet a State party (Nicaragua);

R - 101.3. Sign and ratify the First Optional Protocol to the International Covenant on Civil and Political Rights, from which Jamaica withdrew in 1997 (Spain); sign the Second Optional Protocol to ICCPR (Portugal); consider reaccession to ICCPR-OP 1, as well as the ratification of the Second Optional Protocol to ICCPR, with a view to entirely abolishing capital punishment (Slovakia); become a party to ICCPR-OP 1 (withdrawn in 1997) and ICCPROP 2 (Argentina);

R - 101.4. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

R - 101.5. Issue a standing invitation to all special procedures mandate holders of the Human Rights Council (Brazil);

R - 101.6. Abolish, definitively and as soon as possible, the death penalty (France);

R - 101.7. Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Belgium);

R - 101.8. Abolish all provisions in the Penal Code allowing capital punishment, and declare a moratorium on all executions (Norway);

R - 101.9. Repeal all national legislation implying the application of the death penalty and declare a de jure moratorium; commute all death sentences to prison sentences; and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);

R - 101.10. Eradicate the death penalty as a type of punishment from the legal system after wide consultation with countries which recently took the same step (Hungary);

R - 101.11. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take all necessary steps to remove the death penalty from Jamaica's justice system (Australia);

R - 101.12. Reconsider the withdrawal from the Optional Protocol to the International Covenant on Civil and Political Rights, and, taking into account that death sentences have not been implemented since 1988, declare a moratorium with a view to abolishing capital punishment (Mexico);

R - 101.13. Introduce a de jure moratorium on the execution of the death penalty, for as long as that penalty is not abolished (Belgium);

R - 101.14. Adopt a de jure moratorium on executions with a view to abolishing the death penalty (Italy);

R - 101.15. Establish a moratorium on executions with a view to abolishing the death penalty, and support the United Nations General Assembly resolution on a moratorium on the use of the death penalty (Portugal);

R - 101.16. Consider the possibility of formalizing a moratorium on all pending executions with a view to commuting them and to eventually abolishing the death penalty (Argentina);

R - 101.17. Increase the age of criminal responsibility (Trinidad and Tobago);

R - 101.18. Repeal all provisions that criminalize same-sex activities between consenting adults (Netherlands);

R - 101.19. Repeal sections 76, 77 and 79 of the Offences against the Person Act, which criminalize same-sex male intercourse (United States);

R - 101.20. Decriminalize consensual sexual relations between adults of the same sex, and abolish all legal provisions discriminating against homosexual, bisexual or transsexual persons (Belgium);

R - 101.21. Decriminalize sexual activity between consenting adults of the same sex, and address hate crimes on the grounds of sexual orientation and gender identity, as a matter of urgency (Slovenia);

R - 101.22. Decriminalize consensual same-sex relations between males, investigate all incidents and acts of violence suspected of being motivated on the grounds of sexual identity, and take all necessary measures to ensure the full enjoyment of human rights by lesbian, gay, bisexual and transgender persons, as stipulated by the principle of non-discrimination established under international human rights law and articulated in the Yogyakarta principles (Sweden);

R - 101.23. Include in the Charter of Rights Bill, currently before Parliament, a specific prohibition of discrimination on the grounds of sexual orientation and repeal all legal provisions criminalizing consensual relations between adults of the same sex; and combat this type of discrimination through awareness-raising campaigns and education programmes in school (Spain);

R - 101.24. Repeal all legal provisions constituting discrimination against lesbian, gay, bisexual and transgender persons (France);

R - 101.25. Remove legislation which discriminates against individuals on the basis of their sexual orientation or gender identity (Australia);

102. The following recommendation does not enjoy the support of Jamaica, as Jamaica considers it is based on false or erroneous premises:

R - 102.1. Ensure the protection of defenders of the rights of lesbian, gay, bisexual and transgender persons; and take measures to ensure that lesbian, gay, bisexual and transgender persons can fully and freely exercise their rights without fear of attack or reprisal (United States).

Notes

- 1 The recommendation as read during the interactive dialogue: “Consider additional awareness-raising campaigns, bearing in mind the persistent attitudes concerning the lower status of women, and the reluctance and insufficient knowledge of the professionals concerned with domestic violence cases” (Republic of Moldova).
- 2 The recommendation as read during the interactive dialogue: “Ensure prompt and effective investigation of gender-based violence and that perpetrators are prosecuted and convicted” (Norway).
- 3 The recommendation as read during the interactive dialogue: “Adopt targeted policies and programmes to offer protections for the most vulnerable in society, including women, children, persons with disabilities and LGBT persons, and to eliminate discrimination against them” (Canada).
- 4 The recommendation as read during the interactive dialogue: “Extend a standing invitation to all United Nations special procedures and to benefit from this mutually enriching cooperation, exchange of experience and expertise and opportunities for future progress” (Republic of Moldova).
- 5 The recommendation as read during the interactive dialogue: “Take steps to reduce overcrowding in the prisons by adopting judicial reforms” (Ghana).
- 6 The recommendation as read during the interactive dialogue: “Submit its National Inspection Report to supervise conditions in youth correctional facilities and guarantee that it complies with the Law on child care and protection to determine the progress made at the national level” (Ecuador).
- 7 The recommendation as read during the interactive dialogue; “Ensure that the new reformatory centres for minors, which will be established in accordance with the auditing mentioned in the national report, comply with international standards, in particular regarding separation of minors from adults and the prohibition of corporal punishment” (Mexico).
- 8 The recommendation as read during the interactive dialogue: “Adopt targeted policies and programmes to offer protections for the most vulnerable in society, including women, children, persons with disabilities and LGBT persons, and to eliminate discrimination against them” (Canada).

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