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Draft report of the Working Group on the Universal Periodic Review*

Jamaica

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Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1–4	3
I Summary of the proceedings of the review process	5–118	3
A. Presentation by the State under review	5–38	3
B. Interactive dialogue and responses by the State under review	39–118	8
II. Conclusions and/or recommendations.....	119–133	14
Annex		
Composition of the delegation		26

Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of Jamaica was held at the 15th meeting on 13 May 2015. The delegation of Jamaica was headed by Mr. Mark Golding. At its 17th meeting held on 15 May 2015, the Working Group adopted the report on Jamaica.
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Jamaica: Algeria, Estonia, and Japan.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Jamaica:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/JAM/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/JAM/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/JAM/3).
4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Jamaica through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Jamaica stated that as a newly independent nation, the country initiated and advocated for the International Year of Human Rights, as part of a focused attention to defining an international human rights landscape with agreed principles, guaranteeing fundamental freedoms and rights for all peoples. It asserted that the Constitution guaranteed the protection of the human rights of all Jamaicans regardless of colour, class or creed and that since 2011 these rights had been further expanded through the Charter of Fundamental Rights and Freedoms. It also highlighted that this Charter applied vertically against the State and also horizontally between persons, therefore inculcating respect for human rights at all levels of society by holding all persons, including the State, accountable.
6. The delegation stated that Jamaica had embarked on a path of national transformation through Vision 2030 Jamaica's National Development Plan (2009-2030) which revolved around four (4) national goals: Jamaicans are empowered to achieve their fullest potential; the Jamaican society is secure, cohesive and just; Jamaica's economy is prosperous; and Jamaica has a healthy natural environment.
7. It mentioned that efforts to address the fall-out in Jamaica's economy as a result of the 2008 global economic recession persisted seven years later. The most central adjustment aimed at reducing the overall debt burden was the maintenance of a very large primary surplus (7 ½% of GDP) for at least the 4-year programme, an adjustment that

essentially limited the availability of resources for a range of policies and programmes in the social sector.

8. The delegation pointed out that the Government's Economic Reform Programme had yielded positive results, including unemployment reduction, economic growth, reduced inflation, narrowing of the current account deficit and increased local and foreign investments.

9. The delegation asserted that the needs of the vulnerable remained a top priority for the Government, that Jamaica's first comprehensive social protection strategy was developed in 2013, and that in March 2014, Cabinet approved the Jamaica Social Protection Strategy (SPS). It added that the Government was currently developing a new National Poverty Policy and Programme and that a Poverty Reduction Coordination Unit was established in the Planning Institute of Jamaica (PIOJ) to oversee this process.

10. The delegation stated that it understood that seeking to reduce crime and violence and improving social harmony was not incompatible with a sustained commitment to Human Rights, but complementary. The Charter of Rights "afforded protection to the rights and freedoms of person to the extent that those rights and freedoms do not prejudice the rights and freedoms of others". With these understandings, the Government remained determined in its drive to reduce crime and violence including through increased emphasis on social interventions, community programmes and more effective policing. It reported that the Jamaica Constabulary Force had acquired new equipment and technology, established additional posts and increased recruitment and stated that Jamaica had registered a marked downward trend in serious crimes over the last five years.

11. Regarding recommendations made in its first UPR, the delegation reported the Cabinet had approved the establishment of an Inter-Agency Steering Committee on the UPR which was tasked to: review the recommendations that Jamaica accepted during the 2010 UPR; develop an Action Plan, including strategies and timelines, to advance the implementation of these recommendations; support, efforts aimed at raising awareness about the promotion and protection of human rights; and recommend, where necessary, possible changes to existing pieces of legislation.

12. Since its UPR Jamaica had ratified the OP-CRC-SC the delegation also stated that Parliament passed a comprehensive Disabilities Act in October 2014 and that Jamaica would now consider the ratification of the OP-CRPD.

13. The delegation reported that Jamaica had submitted reports to the relevant treaty bodies: CEDAW, ICERD, CRC, ICCPR, and ICESCR.

14. With regard to the Convention on Torture, Jamaica asserted it was still in the process of putting in place the relevant domestic legislation that can give effect to its implementation and pointed out that acts of torture have never been condoned nor accepted as a practice in Jamaica. It mentioned that significant progress was being made in addressing many of the recommendations made by the Special Rapporteur on Torture in his report of his site visit to Jamaica in 2012.

15. With regard to the ratification of the Rome Statute and the International Criminal Court, Jamaica was now at an advanced stage in the drafting of the legislation to bring its domestic law into compliance with the Rome Statute. The delegation added that the Cabinet had already approved Jamaica's ratification of the Rome Statute once the required domestic legislation was in place.

16. Jamaica highlighted that at the primary and secondary levels, human rights education was infused in the national curricula and all levels of teacher training included human rights education. It asserted that the Jamaica Constabulary Force had infused

fundamental human rights into their basic police training, and had a highly-qualified team of trainers.

17. The delegation asserted the Government was actively pursuing the establishment of a National Human Rights Institution (NHRI) and noted that Jamaica already had an effective, extensive network of institutions mandated to protect the rights of Jamaicans and that the plan was to establish a NHRI by expanding the role and functions of the existing entity.

18. It stated that Jamaica regarded Special Procedures Rapporteurs as constructive players in the international human rights framework. It was not opposed to accommodating visits of Special Rapporteurs and these were considered on a case-by-case basis. It added that adequate notice should be given to the Government to ensure that necessary arrangements were in place for a successful visit, in accordance with mutually-agreed times. Jamaica recommended to the Council that there be a mechanism in place that allows for sharing of information among these various Human Rights bodies and procedures, as often there were overlapping requests which were inefficient and unduly stretched limited resources.

19. The delegation indicated justice reform was a priority for the Government of Jamaica. The Justice Reform Implementation Unit, established in 2012, coordinated monitored and supported the timely delivery of all justice sector reform initiatives, driving the implementation of the Justice Reform Agenda. Several projects and programmes and legislation had been developed over the past three years in support of a more efficient criminal justice system, including: The Evidence (Amendment) Act, aimed at reducing sources of lengthy delay and unnecessary costs in the Court process; The Administrator General (Amendment) Act, which will facilitate the speedier processing of intestate estates and substantially reduce burden of cases; The Criminal Records (Rehabilitation of Offenders) (Amendment) Act 2014 which reduced the period required before persons convicted of less serious offences can have their convictions removed from the criminal records; The Dangerous Drugs (Amendment) Act 2015 which removed the powers of arrest detention in relation to the possession of small quantities or smoking of ganja, and will no longer be prosecuted in the courts. The Act also recognises the indigenous Rastafari community, and protects their constitutional right to freedom of religious expression by including special measures relating to cultivation and use of the ganja plant for their sacramental purposes; Flogging and whipping, forms of inhumane judicial punishment dating from the era of slavery and colonialism, were finally legislatively abolished in Jamaica in 2012.

20. The delegation asserted that a National Restorative Justice Programme was being established to ensure increased access to justice by citizens. It also encouraged increased public confidence and trust in the justice system by fostering greater participation in and ownership of restorative justice processes by communities and victims.

21. Regarding crime, justice and Police Reform, the delegation reported that a series of measures were implemented aimed at enhancing operational and administrative efficiency and reducing serious crimes, including the successful merger of the Island Special Constabulary Force into the Jamaica Constabulary Force, and increasing Police recruitment, which had contributed to the ongoing improvement of crime statistics, with a 17 per cent decline in serious and violent crimes in 2014 over 2013.

22. The delegation reported the passing of important legislation to assist law enforcement, including The Law Reform (Fraudulent Transactions) (Special Provisions) Act, the Criminal Justice (Suppression of Criminal Organisations) Act, and DNA legislation that will establish a National DNA Database.

23. A data system to facilitate the operation of the Sex Offenders Registry was also completed in 2014. Under the Sexual Offences Act, persons convicted of certain specified offences, including rape, abduction and the sale or trafficking of persons, are included in the Sex Offenders Registry. The Department of Correctional Services will monitor registered sex offenders for the period stipulated by law after their release from custody.

24. On the 2010 Operation in Tivoli, the delegation stated that, following an investigation by the Office of the Public Defender into the Tivoli operation, a report was submitted in April 2013, recommending inter alia the establishment of a Commission of Enquiry into the activities. The delegation stated that the terms of reference for the Enquiry were finalised after a process of public consultation and the Commission was underway since December 2014.

25. Jamaica asserted it had a de facto moratorium on the application of the death penalty and no decision had been taken to abolish it from the law books, and that individual petitioners retain the right to petition an international human rights body- the Inter-American Commission on Human Rights.

26. The delegation expressed that the Government was strongly opposed to killings resulting from the excessive use of force by State agents and that the Jamaica Constabulary Force had put in place a Use of Force Policy aimed at the protection of human rights, and in particular the right to life, by enforcing regulations regarding the use of force including firearms, in conformity with national and international laws. This had been supported by the establishment of the Independent Commission of Investigations (INDECOM) in 2010, as an institution dedicated to ensuring that allegations of the use of excessive force are investigated in a prompt, independent and effective manner. It also stated the Government has increased INDECOM's financial, technical and human resources.

27. The delegation affirmed that as a result of these measures, Jamaica recorded a very significant reduction, of over 50%, in security force-related fatalities in 2014, compared to 2013 and that this trend had continued in 2015. The Government also continued to act to ensure that police officers who were implicated in cases of excessive use of force and who had fled Jamaica were extradited, where possible, to answer charges.

28. It underscored that protection of the vulnerable in society in particular children, the elderly, women and the disabled remained of paramount importance to Jamaica. With respect to the protection of Children, a National Plan of Action for an integrated response to Children and Violence was being developed. The Government had since 2004 established a comprehensive network of institutions mandated to protect the rights of children and ensure their well-being. The Ananda Alert System established in March 2013 through the Office of the Children's Registry, was a nationwide system used for the safe and speedy recovery of missing children, which had recorded a measure of success since its inception.

29. The delegation stated that significant progress had been made in addressing many of the recommendations made by the Special Rapporteur on Torture in his report of his visit in 2012 including with respect to conditions in detention facilities.

30. The delegation stated it was firmly committed to improving existing conditions in the operation of lock-ups and correctional facilities, with the goal of meeting international human rights standards. However, it considered there were several obstacles that would need to be overcome, in particular the long-outdated physical infrastructure of the lock-ups and prisons. It stated that, notwithstanding these challenges, meaningful improvements had been effected in the past two years, including the reduction of the number of juveniles in correctional or remand facilities and the decrease by 25% in 2014 in the number of persons in police custody.

31. It reported that a National Policy for Gender Equality (NPGE) had been finalised in 2011 and that, according to a study conducted in 108 countries by the International Labour Organisation (ILO), Jamaica was ranked highest in the world in the proportion of women managers– 59.3%.

32. The delegation considered that gender-based violence remained a challenge that required a multi-faceted approach and reported that a National Strategic Plan of Action to Eliminate Gender-based Violence in Jamaica (NSPA-GBV) was being finalised as part of a strengthened effort to address gender-based violence in all its forms.

33. On trafficking in persons, the delegation asserted that National Task Force Against Trafficking in Persons was actively sensitising the public to the problem of human trafficking, and that in 2013 the Trafficking in Persons Act was amended widening the offence of human trafficking to include debt bondage and offences akin to trafficking and establishing a mandatory order for restitution of victims of trafficking. Eight T.I.P cases were currently before the Court. The delegation considered that, owing to the clandestine nature of this crime, it was increasingly difficult to secure convictions due to the fact that victims and witnesses were often reluctant to testify.

34. The delegation pointed out that The Constitution of Jamaica and the Charter of Rights and Fundamental Freedoms Act (2011), guaranteed persons with disabilities, certain protections by the State and that the new Disabilities Act 2014, sought to promote, protect and facilitate the full and equal enjoyment of all fundamental rights and freedoms by persons with disabilities.

35. The delegation reported that Jamaica's 2009 Policy on Refugees was guided by the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees and that it established the procedures for managing the refugee status determination process.

36. It also noted that a National Policy and Plan of Action on International Migration and Development had been adopted. The delegation stated that the Constitution of Jamaica guaranteed basic human rights to all Jamaicans and discrimination based on sex or gender was prohibited. It added that in order to create greater understanding of the concerns of the LGBT community, several initiatives had been put in place, and the Jamaica Constabulary Force had already established a clear policy of engagement with the LGBTI community including human rights training and sensitisation. Its Diversity Policy included objectives such as fostering public confidence by demonstrating fairness, integrity, tolerance and understanding, providing the necessary support to victims, and the elimination of fear of individuals to report crime and violence.

37. The delegation concluded highlighting that the Jamaican Government remained committed to the implementation of the recommendations of the Universal Periodic Review, and that it would endeavour to uphold its demonstrated tradition of respect for the rule of law.

38. As a Small Island Developing State which is highly indebted, there was often the need to point out that capacity constraints and vulnerability to external shocks posed very real constraints on Jamaica's ability to implement the full range of measures for all citizens to enjoy, in optimizing their civil and political, social and cultural rights. The delegation expressed gratefulness to their many bilateral partners, who had offered technical and other assistance to ensure the development of national capacities to meet the obligations to the people of Jamaica. Finally, it sought to continue meaningful partnerships, at home and abroad, striving to strengthen the human rights and dignity of the Jamaican people.

B. Interactive dialogue and responses by the State under review

39. During the interactive dialogue, 64 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

40. Sweden asserted that according to reports, hostility and violence perpetrated against Jamaicans who are either lesbian, gay, bisexual or transgender is widespread, and that despite the fact that more LGBT persons were reporting acts of violence and discrimination to the police, many incidents remained unreported.

41. Thailand encouraged Jamaica to work towards a permanent coordination structure to monitor end report on human rights obligations. It raised concerns about reports of excessive use of force by law enforcement personnel hence welcomed the establishment of INDECOM.

42. Timor-Leste welcomed the adoption of the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Prevention Act. It remained concerned by the prevalence of trafficking in persons despite the existence of a National Plan of Action.

43. Togo praised the progress in gender equality, the appointment of a woman as a Prime Minister and 21 % in the Parliament. It commended the protection of persons with disabilities through the 2014 Law and the Plan Vision 2030.

44. Trinidad and Tobago applauded the Vision 2030 Development Plan which integrated a wide spectrum of socio-economic human rights objectives. It commended the National Energy Policy and its target to achieve 30% of renewable energy by 2030.

45. Turkey inquired about the social development strategy developed in 2013. It echoed CEDAW's concerns on the high incidence of domestic violence. It encouraged the finalization and implementation of the NSPA- GBV.

46. The United Kingdom of Great Britain and Northern Ireland urged the government to implement fully comprehensive anti – discrimination legislation. It welcomed the steps taken to identify and prosecute members of the security forces involved in acts of corruption or violence against civilians.

47. France deplored the persistence of discrimination and violence against LGBT persons. It raised concerns with the conditions in detention and police violence. France encouraged Jamaica to implement effectively the control procedures based on national laws to improve the situation.

48. Uruguay highlighted the emphasis on early education and the implementation of the “Tablets in Schools” pilot program. It congratulated Jamaica for the ratification of the OP-CRC-SC and the ongoing consideration of the ratification of the Optional Protocol to CRPD.

49. The Bolivarian Republic of Venezuela noted that notwithstanding the challenges of climate change, Jamaica had demonstrated their commitment to implement recommendations from the first cycle. It welcomed the implementation of the National Development Plan, the Gender Equality policy, as well as efforts for the protection of the rights of persons with disabilities.

50. Algeria welcomed progress made by Jamaica since the first review, including the ratification of the OP-CRC-SC. It commended measures taken to provide better protection to women and efforts to strengthen gender equality and the national development plan.

51. Angola commended the ratification of the OP-CRC-SC and the submission of the fourth periodic report under the ICCPR. It encouraged Jamaica to continue its cooperation

with the special procedures mandate holders. It remained concerned by conditions at correctional facilities.

52. Argentina thanked the delegation for the presentation of the national report. It congratulated Jamaica for the ratification of the OP-CRC-SC following the first review of Jamaica.

53. Australia remained concerned at the high levels of physical and sexual violence against women and girls, that a formal moratorium on the death penalty had not been adopted and at the high numbers of police killings. It welcomed Jamaica's willingness to engage actively in the UPR process.

54. Barbados noted progress on enhancing gender equality and the empowerment of women and girls. It urged Jamaica to prioritize finalizing and implementing the National Strategic Plan of Action to Eliminate Gender-based Violence. It viewed positively efforts to enhance the security of citizens.

55. Botswana commended the ratification of the Optional Protocol to CRC as recommended in the first UPR cycle. It encouraged Jamaica to finalize and fully implement its national Strategic Plan of Action to Eliminate Gender-based Violence and step up its efforts to combat trafficking in persons.

56. Mexico noted progress made since the last review. It commended changes in the legal framework, in particular the adoption of initiatives to eliminate gender violence, as well as efforts to secure general access to drinking water.

57. Cabo Verde praised the spectrum of measures taken to implement the recommendations of the first UPR cycle through the adoption of legislative measures, creation of institutions and adoption of policies and plans in the areas of gender violence, judicial reform, law enforcement abuse, human trafficking and social protection.

58. Canada welcomed the steps taken by the Ministry of Justice in collaboration with the Commonwealth Secretariat toward the establishment of a NHRI and encouraged continued efforts in this area.

59. Chile noted that the Chart on Fundamental Rights and Freedom did not protect against all forms of discrimination. It praised the ratification of the Optional Protocol of the CRC. Chile regretted the non-abolition of death penalty.

60. China highlighted in particular the progress made by Jamaica in the implementation of the national development plan, the strengthening of the social security and the recovery of its economy. China further recognized efforts in the areas of gender equality, improvement of the legal system and human rights education.

61. Colombia highlighted the commitment of Jamaica to promote and protect human rights, recognizing in particular the new Charter of Human Rights. Colombia noted efforts to implement recommendations from the first cycle, particularly those made by Colombia on women's rights.

62. Jamaica thanked countries for their recognition of the progress Jamaica had made in the area of human rights and noted the observations and recommendations made. The delegation recalled that many of the questions raised were already addressed in its report and the statement, specifically those regarding the convention on torture, death penalty, use of force by police, special procedures visits, the Optional Protocol under the Convention related to Disabilities, and LGBTI community.

63. With regards to a reference to the killing of human rights defenders, the delegation stated the Government was not aware of there being any killing or adverse treatment of human rights defenders. It stated that they were accorded a great deal of respect, had full

access to the media and had assisted greatly in the progress Jamaica had made in the area of Human Rights.

64. With regards to the Justice Reform project, due to a lack of resources in the area these issues had to be approached through non-funded activities such as procedural reforms.

65. In relation to the social intervention programs the delegation stated that the Path program is the country's safety net program that provided for cash transfers that were based on attendance of children in school, basic public health, inoculations, etc., and had generally been considered successful. The delegation added that payments were differentiated to improve attendance level of students, especially boys in school. It also mentioned transitional grants to complete secondary school, bursaries for tertiary students based on their academic achievement, transportation allowances and the school feeding program.

66. Regarding a comment about incarceration of juveniles the delegation stated this was no longer the case, as for both males and females there were separate facilities for juveniles from adults and that the only exception is if he is of particularly serious risk to other juveniles and has to be housed in particularly secure accommodations, and there are very few cases of that.

67. Costa Rica welcomed the commitment of Jamaica to consolidate democracy. It was concerned at the excessive use of force by security forces and therefore welcomed the creation of INDECOM. It hoped that the National Strategic Plan of Action to Eliminate gender-based Violence would be promptly adopted.

68. Cuba recognized progress made in the implementation of recommendations from the first cycle. It highlighted the National Development Plan, the Social Protection Strategy, the ongoing work on the National Strategic Plan of Action to Eliminate Gender-based Violence and efforts to improve the situation in places of detention.

69. Cyprus welcomed Jamaica's abstention from applying the death penalty in 25 years. It noted concern that the government was not considering abolishing capital punishment.

70. The Democratic Republic of Congo praised the adoption of the National Plan Vision 2030 and the establishment of INDECOM as an independent Commission. It noted the strengthening of freedom of expression through the adoption of new laws.

71. Denmark was pleased to learn that Jamaica was currently working to put in place relevant legislation with a view to ratification of CAT, in line with accepted recommendations from the first view. It noted that the CAT Initiative, which was a government to government exchange and cooperation, stood ready to assist Jamaica if deemed useful.

72. The Dominican Republic commended Jamaica for the National Development Plan and the Gender Equality Plan. It highlighted efforts to improve conditions in detention centres and invited Jamaica to become acquainted with their penitentiary system which is used as a model by various countries of the region.

73. Ecuador recognized efforts to implement recommendations from the first review, in particular the adoption of legislative measures to eliminate discrimination and violence against women. It praised efforts for the promotion and protection of the rights of persons with disabilities, as part of the National Development Plan.

74. Egypt commended Jamaica for the adoption of the Charter of Fundamental Rights and Freedoms and the Sexual Offences Act and the Child Pornography Prevention Act. It noted concern with trafficking in persons.

75. Estonia encouraged Jamaica to strengthen dialogue and cooperation with civil society in all fields. It commended Jamaica for positive steps since the previous UPR. It welcomed the adoption of legislative measures aimed at eliminating discrimination and violence against women and promoting gender equality. It was concerned about high level of violence and use of corporal punishment at home and in schools.
76. The United States of America remained concerned about the involvement of government security forces in unlawful killings, laws prohibiting consensual same-sexual conduct, and violence and discrimination against the LGBT community. It noted that despite the government's efforts, sex trafficking and forced of children and adults persisted.
77. Germany remained concerned by the continued violence against women and LGBT persons and the lack of investigations in cases of alleged extrajudicial killings. It encouraged ratification of CAT as well as the 1954 Convention on Statelessness and the second Optional Protocol to ICCPR.
78. Guatemala praised the establishment of a NHRI. It echoed the recommendation of CRC to ratify CAT and OP-CAT. Referring to UNHCR, it encouraged the establishment of an impartial and swift refugee status determination procedure in accordance with international norms.
79. Honduras applauded Jamaica's efforts to implement previous accepted recommendations and progress on human rights, particularly on gender equality. It commended the National Development Plan Vision 2030 and the Law on Disability (2014).
80. India appreciated Jamaica's cooperation with human rights mechanisms, and the: National Development Plan Vision 2030, National Restorative Justice Program, and Independent Commission of Investigations. It asked about the social protection strategy and about efforts to resolve community level conflicts. India appreciated efforts to combat crime, violence and human trafficking. It encouraged strengthening the judiciary.
81. Indonesia commended the: National Policy for Gender Equality, Independent Commission of Investigations and National Action Plan on Human Trafficking. It acknowledged progress in addressing recommendations from the Special Rapporteur on Torture. It welcomed Jamaica's decision to establish a NHRI.
82. Ireland congratulated the ratification of OP-CRC-SC. It encouraged extending a standing invitation to Special Procedures. It was concerned that the Sexual Offences Act 2009 protected against marital rape in certain circumstances. Ireland noted Jamaica's consideration to establish a NHRI.
83. Italy welcomed steps to implement UPR and treaty bodies recommendations. It encouraged Jamaica to make further efforts to combat any form of discrimination.
84. Japan commended Jamaica's gender equality policy, but was concerned about domestic and sexual violence against women. It encouraged further strengthening women's rights. Despite measures to protect children, Japan was concerned at child abuse. It was also concerned about detention conditions.
85. Malaysia appreciated efforts to train police and law enforcement personnel and to combat gender-based violence, as previously recommended by Malaysia. It lauded the National Development Plan Vision 2030 and the ratification of OP-CRC-SC. Malaysia noted achievements in gender equality.
86. Maldives commended Jamaica for the progress made in key areas since its last UPR, in particular achievements in addressing gender equality, non-discrimination and empowerment of women. It further commended Jamaica for the recent social protection strategy which is essential in safeguarding the rights of vulnerable groups.

87. Mauritius commended Jamaica for its commitment to the UPR process, highlighting legislative and institutional changes. It congratulated Jamaica for the steps taken to promote gender equality and empowerment of women. It noted the positive steps towards the establishment of a National Human Rights Institution.

88. Brazil stressed that more attention should be given to the rights of women, children, LGBT community and persons living with HIV/ AIDS. It welcomed the legislative measures to eliminate discrimination against women. Brazil commended the implementation of the National Development Plan Vision 2030.

89. Montenegro welcomed the legislative measures undertaken by Jamaica between the two UPR cycles, aimed at promoting gender equality and eliminating violence against women and girls. It asked about activities taken to strengthen the legislation framework and implementation of policies and programmes in the field of gender equality and fight against homophobia and discrimination based on sexual orientation and gender identity.

90. Morocco encouraged Jamaica to continue to harmonize its national legislation with its international obligations. It welcomed the ratification of the CRC and its Optional Protocol. Morocco praised the legislative measures taken to eliminate discrimination against women and the policies to promote gender equality and to combat AIDS.

91. Namibia commended Jamaica's National Development Plan – Vision 2030 and their comprehensive social protection strategy. It noted explanation and comments given by the Jamaican delegation on death penalty.

92. The Netherlands welcomed Jamaica's Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Act. It expressed concern about the violence against LGBT persons and Jamaica's abstention from signing the Rome Statute.

93. Nicaragua congratulated Jamaica's measures to implement previous UPR recommendations. It appreciated the National Policy for Gender Equality and the Social Protection Policy.

94. In relation to the question of corporal punishment in schools, the delegation stated that regulations in Jamaica prohibited the use of corporal punishment. The delegation added that wider prohibition of corporal punishment in Jamaica is a culturally sensitive issue that is under consideration, and no definitive position has been taken on that matter.

95. On the definition of marital rape in the Sexual Offences Act, the delegation asserted that the point was well taken and that this Act was under review by a select committee under parliament, and one of the issues before the committee was to eliminate some of the restrictiveness of the current definition of marital rape.

96. In relation to the Rome Statute, Jamaica had signed on but not yet ratified and domestic legislation had to be brought into conformity before acceding to it. The delegation added that this was a policy followed by the Government, so not to be in breach of any international laws by not having domestic law in compliance.

97. With regards to correctional facilities and lock ups, a new block for low and medium security prisoners was being commissioned that will address overcrowding at the two main high security, correctional facilities. The delegation stated that a robust reclassification exercise in relation to transferring low risk inmates from high security facilities, partly aimed at addressing overcrowding.

98. With regards to HIV/AIDS awareness and stigma elimination, the delegation mentioned the national workplace policy, a non-discriminatory policy which facilitates HIV/AIDS sufferers being able to work comfortably without discrimination. It also mentioned a new occupational health and safety bill that is hoped to be brought to Parliament this year.

99. In terms of use of force, the delegation asserted that INDECOM's role as an investigatory body had expanded to include prosecutorial powers and since then it had been able to initiate their own prosecutions.

100. The Jamaican delegation also commented that major players from the NGO community were appointed to the steering committee that was established for this UPR. It stated their attendance was initially good but had fallen off recently and that invitations were consistently extended to them to attend, although they had not always chosen to do so.

101. The Niger welcomed Jamaica's adoption of the National Development Plan – Vision 2030. It noted Jamaica's Public Policy for Gender Equality, National Action Plan for the Elimination of Gender Based Violence and Charter of Fundamental Rights and Freedoms.

102. Nigeria welcomed Jamaica's National Development Plan – Vision 2030, its comprehensive social protection strategy, the ratification of core international human rights instruments, addressing of recommendations made by the Special Rapporteur on Torture, and efforts towards the establishment of a National Human Rights Institution.

103. Norway noted Jamaica's ratification of a majority of international human rights instruments. It noted with concern that Jamaica had not extended a standing invitation to U.N. Special Procedures. It was also concerned about criminalization of same-sex activities and discrimination against people living with HIV.

104. Panama commended measures against women discrimination and protecting children, including the OP-CRC-SC ratification. It urged to further protect the rights of women, children and vulnerable groups. Panama praised the National Development Plan Vision 2030 and Jamaica's consideration to ratify CRPD.

105. Paraguay commended progress concerning development, gender violence, disabilities and children, and de facto moratorium on executions. It acknowledged efforts to implement human rights recommendations but also challenges to comply with treaty bodies' reporting. It urged to ratify CAT and ICPPED.

106. The Philippines, while acknowledging the adverse impact of climate change on Jamaica, commended the human rights approach of its policies on the matter. It acknowledged improvements in human trafficking laws. It noted the lack of a NHRI.

107. Portugal welcomed the ratification of OP-CRC-SC and the adoption of the Charter of Fundamental Rights and Freedoms.

108. Rwanda commended Jamaica's efforts on gender equality and women empowerment, mainly in the public decision-making sphere. It applauded measures to address female under-representation in Parliament.

109. Senegal noted the National Development Plan Vision 2030; a programme targeting persons with disabilities; measures to protect women from discrimination; and the Government campaign against corporal punishment in schools.

110. Sierra Leone appreciated the: National Development Plan Vision 2030, Social Protection Strategy, percentage of women in managerial positions, and policies on climate change and on disability. It urged Jamaica to eradicate violence against women and children and protect human rights defenders.

111. Singapore noted measures to enhance gender equality and women empowerment, and to reform the judicial sector. It acknowledged Jamaica's development constraints, and commended its National Development Plan Vision 2030 and Social Protection Strategy.

112. Slovenia welcomed the National Policy on Gender Equality and plans addressing gender inequality in political participation. It was concerned about widespread gender-

based violence; high rate of crime and violence, including killings of children; and discrimination and violence against LGBTI persons.

113. South Africa welcomed the National Development Plan, including improvements in the education system, environmental sustainability and hunger eradication. It noted strides in enhancing gender equality and women empowerment.

114. Spain welcomed the: Human Rights Unit within the Ministry of Justice, Law on Disabilities, and OP-CRC-SC ratification. It was concerned about violence against children and girls; detention conditions, particularly of juveniles; abuses by police officers; and attacks against LGBTI persons.

115. Sri Lanka welcomed the National Development Plan Vision 2030 and noted the adverse impact of climate change in Jamaica. It commended measures concerning health care, education, social assistance and children's rights. It noted Jamaica's commitment to combat gender-based violence.

116. The delegation of Jamaica affirmed it was seeking to renew its emphasis on primary healthcare to reduce the burden on the secondary healthcare system. Four centres of excellence were established, to provide diagnostic prevention and treatment service. It stated the question of how we finance health care is a major issue and that it was revising the Safe Motherhood Program and looking at the approval of a national strategic plan for non-communicable disease and a national development plan for sexual and reproductive health.

117. On the issue of climate change, Jamaica continued to advocate for action to keep global warming at, or below 1.5 degrees Celsius above pre-industrial levels. It said that at the bilateral level and developed countries should take the lead in addressing climate change by raising their 2020 commitments, including ratifying the Kyoto Protocol. In terms of national efforts, Jamaica recognized the adverse impact of climate change on small vulnerable island states and that it had established a ministry dedicated to climate change in 2012 and a climate change policy framework action plan that was tabled in parliament in 2014.

118. Finally, the delegation of Jamaica expressed appreciation for the constructive and frank nature of recommendations; including some that were innovative. Jamaica was actively pursuing the establishment of a national human rights institution, which was a priority, based on the Paris Principles. It stated that Jamaica was making strides in the area of justice reform, especially regarding criminal justice system. It also noted progress made in the many areas of human rights and stated it will not spare any effort despite the challenging financial situation as a small island and developing state, to improve the level of human rights and the enjoyment of rights by all our citizens.

II. Conclusions and/or recommendations**

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

119.1. Continue their momentum to reduce incidences of HIV/AIDS by public education and campaigns (Trinidad and Tobago);

119.2. Redouble its efforts to establish the National Human Rights Institution, in line with the Paris Principles (Indonesia);

**Conclusions and recommendations will not be edited

- 119.3. **Early establishment and operationalization of the NHRI early (Mauritius);**
- 119.4. **Strengthen its institutional framework to ensure harmonization of its national legislation with its international obligations in the area of human rights, and undertake the process of establishing a national human rights institution in accordance with the Paris Principles (Niger);**
- 119.5. **Hasten the establishment of a National Human Rights Institution (NHRI) in line with the Paris Principles (Nigeria);**
- 119.6. **Step up its efforts to establish a national human rights institution that is compliant to the Paris Principles (Philippines);**
- 119.7. **Intensify its efforts to establish a National Human Rights Institution (Rwanda);**
- 119.8. **Manifest, as soon as possible, the commitment of the Jamaican Government to establish a national human rights institution, in line with the Paris Principles (Senegal);**
- 119.9. **Continue its efforts to implement all measures related to the protection of rights of women, children and disabled persons (Democratic Republic of the Congo);**
- 119.10. **Continue efforts that promote and protect the rights of women, with emphasis on the incorporation of a gender perspective in law and in public policies, and pursuing measures to combat violence against women (Colombia);**
- 119.11. **Invest the necessary resources to ensure the effective socialisation and implementation of its National Policy on Gender Equality, and the National Strategic Plan of Action to eliminate gender-based violence when finalized (Singapore);**
- 119.12. **Continue its efforts to combat various types of violence against women, including domestic violence and sexual harassment (Togo);**
- 119.13. **Ensure the finalization and implementation of the National Plan of Action to eliminate gender violence (Uruguay);**
- 119.14. **Strengthen its efforts to eliminate discrimination of and violence against women and girls including through implementation of laws, policies and programmes to this effect (Germany);**
- 119.15. **Allocate sufficient resources to national institutions responsible for implementing the National Strategic Plan to Eliminate Gender Based Violence (Paraguay);**
- 119.16. **Strengthen efforts on the implementation of the Child Care and Protection Act (South Africa);**
- 119.17. **Further strengthen efforts to prevent sexual exploitation of children (Sri Lanka);**
- 119.18. **Strengthen measures to combat poverty, in particular poverty of women and children (Algeria);**
- 119.19. **By implementing its National Poverty Policy and Programme, redouble efforts to reduce poverty and improve the lives of vulnerable groups of the population (China);**

- 119.20. Spare no effort to promote the holistic development of its children and youths, in particular those from the most vulnerable families to enhance social mobility and to break the vicious inter-generational cycle of poverty (Singapore);
- 119.21. Continue measures to increase access to health services for all, and enhance quality while giving special attention to the groups in vulnerable situations (Sri Lanka);
- 119.22. Continue its advocacy for keeping global warming at or below 1.5 degrees Celsius above the pre-industrial level (Philippines);
- 119.23. Seek assistance from the international community to more comprehensively address adaptation measures to address the effects of climate change (Sierra Leone).
120. The following enjoy the support of Jamaica which considers that they are already implemented or in the process of implementation:
- 120.1. Ratify the Rome Statute of the ICC (Timor-Leste);
- 120.2. Ratify the Rome Statute of the International Criminal Court (Cyprus);
- 120.3. Accede to the Rome Statute of the International Criminal Court (Denmark);
- 120.4. Pursue initiatives on human rights education, particularly through access to information and promotion of existing protection and redress mechanisms (Ecuador);
- 120.5. Developing programmes aimed at promoting the awareness of police on human rights values and principles (Egypt);
- 120.6. Strengthen the training of the security forces so that they respect human rights in their interventions (Senegal);
- 120.7. Establish a National Human Rights Institution in conformity with the Paris Principles (Costa Rica);
- 120.8. Establish an independent national human rights institution in accordance with the Paris Principles (Democratic Republic of the Congo);
- 120.9. Establish a National Human Rights Institution in accordance with the Paris Principles (Honduras);
- 120.10. Work towards early establishment of a national human rights institution (India)
- 120.11. Establish a national human rights institutions which is in full compliance with the Paris principles (Ireland)
- 120.12. Consider establishing a national human rights institution, in line with the Paris Principles (Panama);
- 120.13. Establish a National Human Rights Institution in full compliance with the Paris Principles (Portugal);
- 120.14. Strengthen measures to foster training and awareness of public officials, particularly police and justice officials, on relevant human rights issues (Colombia);

- 120.15. Study the possibility of creating an online system to follow up on international recommendations, which would include the accepted recommendations of the Universal Periodic Review (Paraguay);
- 120.16. Prepare and regularly submit periodic reports concerning international conventions, to which Jamaica is a party (Senegal);
- 120.17. Strengthen activities aimed at combating discrimination on any grounds and in all spheres of life (Colombia);
- 120.18. Take additional measures to address and eliminate negative stereotypes and adverse traditional beliefs and practices that discriminate against women (Thailand);
- 120.19. Assign sufficient resources for the implementation of the National Gender Equality Policy, and review judicial procedures to ensure women and girls victims of domestic violence can have access to justice, by providing training to police and judicial staff in order for them to be treated with dignity (Chile);
- 120.20. Take effective measures to investigate and prosecute all incidents and acts of violence targeting individuals based on sexual orientation (Canada);
- 120.21. Step up its efforts to protect all citizens from violence and discrimination, including LGBT persons (Netherlands);
- 120.22. Ensure that the use of force is based on the principles of legality, necessity and proportionality (Thailand);
- 120.23. Take measures to ensure that abuses of force committed by security state agents, including summary executions, are promptly processed (Mexico);
- 120.24. Continue efforts in reducing crime and violence including through social interventions, community programmes and more effective policing (South Africa);
- 120.25. Intensify efforts to investigate allegations of excessive or unlawful use of force by police and the military, and to prosecute such cases as appropriate (United States of America);
- 120.26. Strengthen legislative measures and policies to improve prisons conditions (Angola);
- 120.27. Adopt adequate legislation to ensure that children in conflict with the law have access to justice and social reintegration, using the deprivation of liberty as a last resort (Chile);
- 120.28. Make additional efforts to improve the conditions of its prisons and detention centres toward elimination of overcrowding, improved sanitary conditions, and a strengthened system for medical care (Japan)
- 120.29. Improve prison conditions and detention facilities (Nigeria);
- 120.30. Conduct relevant actions to prevent that minors are referred to detention centers for adults (Spain);
- 120.31. Adopt and resource the National Strategic Plan of Action to Eliminate Gender Based Violence (Turkey);
- 120.32. Enhance all efforts to combat discrimination and violence against women, in particular by quickly adopting and effectively implementing the National Strategic Action Plan to Eliminate Gender-Based Violence (Italy);

- 120.33. Continue its positive approach in enhancing gender equality and combating gender-based violence including through the finalization, adoption and implementation of its National Strategic Plan of Action to Eliminate Gender-based Violence (Malaysia);
- 120.34. Investigate allegations of ill-treatment of children living in centres and homes, and as appropriate, take all necessary corrective measures (Cape Verde);
- 120.35. Take measures to prevent children from being economically exploited by adopting legislation and policies to address child labour in both the formal and informal sectors (Egypt);
- 120.36. Strengthen measures to promote and protect the rights of the child, including measures against sexual and labour exploitation (Japan);
- 120.37. Take all necessary measures to protect women and children from violence, particularly sexual abuse and exploitation, including through the adoption of awareness raising programs, as well as by means of sexual education policies (Brazil);
- 120.38. Prepare a holistic childhood plan with a particular attention to the problem of child labour (Nicaragua);
- 120.39. Adopt and implement a comprehensive strategy to prevent violence against children (Slovenia);
- 120.40. Conduct more effective campaigns, as well as necessary legal reforms, to eradicate aggressions against minors (Spain);
- 120.41. Intensify efforts to identify victims of trafficking, to ensure that all perpetrators of trafficking in persons are investigated and prosecuted and to provide adequate protection and rehabilitation for the victims (Timor-Leste);
- 120.42. Ensure that all perpetrators of trafficking in persons are investigated and prosecuted; and provide adequate protection, reparation and compensation and rehabilitation to the victims (Egypt);
- 120.43. Continue to provide adequate resources to its anti-trafficking programs (Philippines);
- 120.44. Immediate elimination of the practice of incarcerating juvenile offenders alongside adults (United Kingdom of Great Britain and Northern Ireland);
- 120.45. Amend regulations related to arrest and detention by the Jamaican Constabulary Force, so that they clearly define the rights of detainees, strengthen judicial oversight of arrests, and provide specific remedies for breach of duty (Canada);
- 120.46. Give INDECOM the power it needs to investigate criminal acts committed by the Police (Australia);
- 120.47. Adequately resource the Justice Reform Implementation Unit so that it can effectively support the timely delivery of all justice sector reform initiatives and the implementation of Jamaica's Justice Reform Agenda (Singapore);
- 120.48. Continue efforts to promote women's participation in public decision taking (Honduras);

- 120.49. Continue to address the root causes of unemployment, especially among young people, by adopting the necessary long term policies and strategies (Trinidad and Tobago);
- 120.50. Continue strengthening its sound social plans and programs in favour of its people – with a particular emphasis in the areas of education, food and health – for which it is very important to have the support of the community of nations, through the cooperation that the country might require (Venezuela (Bolivarian Republic of));
- 120.51. Augment their efforts to reduce poverty and to provide enhanced access of safe potable water particularly in rural communities (Trinidad and Tobago);
- 120.52. Advance the development of a National Poverty Policy and strengthen efforts in implementation of the country’s Social Protection Strategy (South Africa);
- 120.53. Adopt a comprehensive national housing strategy with a view to ensuring access to adequate and affordable housing (Egypt);
- 120.54. Strengthen awareness-raising campaigns about the forms of contracting VIH/AIDS and respective preventive measures, particularly focusing on marginalized young persons, drug users, sexual workers of both sex and other groups which are vulnerable to being infected (Mexico);
- 120.55. Maintain actions aimed at improving the public health system of the country, including in the area of HIV/AIDS (Cuba);
- 120.56. Strengthen the implementation of the National Programme to combat HIV and Sexual Transmitted Disease and ensure that discrimination against persons with HIV be prohibited (Morocco);
- 120.57. Continue to commit more resources to primary health care (Nigeria);
- 120.58. Continue to invest more in education, improve coverage and quality of education and in particular ensure the right to education for children from poor families, girls, children with disabilities, and others belonging to vulnerable group (China);
- 120.59. Establish stronger measures to increase access to education particularly to those living in rural areas (Maldives);
- 120.60. Continue to fully implement the Disabilities Act 2014 (Cuba);
- 120.61. Take adequate measures towards providing legislative protection to its disabled community (India);
- 120.62. Strengthen efforts to combat discrimination against persons with disabilities and take specific measures to increase employment opportunities for them (Maldives).
121. The following recommendations will be examined by Jamaica which will provide responses in due time, but no later than the 30th session of the Human Rights Council in September 2015:
- 121.1. Ratify CAT (Timor-Leste);
- 121.2. Sign and ratify CAT (France);
- 121.3. Ratify the Convention against Torture (Algeria);

- 121.4. Expand the support to international human rights instruments by adhering to the conventions against torture and for the protection of enforced disappearances (Cape Verde);
- 121.5. Sign and ratify the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (Canada);
- 121.6. Ratify CAT and prohibit corporal punishment and other cruel treatments against girls and boys (Chile);
- 121.7. Consider the option of ratifying CAT and ICCPED (Democratic Republic of the Congo);
- 121.8. Intensify efforts to ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);
- 121.9. Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ecuador);
- 121.10. Continue its efforts in strengthening its national legal frameworks including by taking concrete steps toward the accession of the UN Convention against Torture (Indonesia);
- 121.11. Ratify the CAT and the ICCPED (Sierra Leone);
- 121.12. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain);
- 121.13. Consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 121.14. Consider the ratification of the Optional Protocol to the Rights of Persons with Disabilities (Angola);
- 121.15. Ratify OP-CRPD (Honduras);
- 121.16. Ratify the Rome Statute of the International Criminal Court (ICC) and accede to the Agreement on the Privileges and Immunities (Botswana);
- 121.17. Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on Privileges and Immunities of the Court (Estonia);
- 121.18. Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (ICC), including by incorporating provisions to cooperate promptly and fully with the ICC and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on the Privileges and Immunities of the Court (APIC) (Netherlands);
- 121.19. Ratify the ILO Convention 169 on Indigenous People (Guatemala);
- 121.20. Take measures with a view to ending discrimination against women and children; eliminate negative stereotypes as well as combating torture and ill treatment by the law enforcement agencies (Nigeria);
- 121.21. Actively protect gender equality and women's rights and to ensure *inter alia* that women and girls have effective access to justice, including through the provision of legal aid (Estonia);
- 121.22. Adopt concrete measures to implement the national strategic plan to eliminate gender-based violence as announced in 2013 and envisage softening

legislation towards decriminalisation of abortion, especially in cases of rape (France);

121.23. Amend section 5 of the Sexual Offences Act 2009 in order to ensure that sexual intercourse by a husband with his wife without her consent is a criminal offence in all circumstances (Ireland);

121.24. Adopt concrete measures to remove children from the streets and preventing their use in prostitution, pornography and other illegal acts (Chile);

121.25. Amend the Law on Foreigners to include an explicit limit to administrative detention (Mexico);

121.26. Further strengthen the Independent Commission of Investigations (INDECOM) in line with international standards by amending the Coroner's Act to include INDECOM as an interested party to an inquiry into a death, and reforming INDECOM Act to settle challenges from the police to INDECOM's jurisdiction and mandate (Canada).

122. The recommendations below did not enjoy the support of Jamaica and would thus be noted:

122.1. Consider ratifying human rights instruments to which it is not yet a State Party to (Nicaragua);

122.2. Consider ratifying core international human rights treaties and their optional protocols, which have not yet been ratified (Panama);

122.3. Consider taking all necessary steps to introduce a de jure moratorium on capital executions with a view to fully abolish the death penalty, and to ratify the Second Optional Protocol to the ICCPR (Italy);

122.4. Ratify the 2nd Optional Protocol to the ICCPR on the abolition of the death penalty (Turkey);

122.5. Ratify the Second Optional Protocol to ICCPR (Chile);

122.6. Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights (Cyprus);

122.7. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

122.8. Consider re accession to the Optional Protocol 2 to the ICCPR with the aim to abolish the death penalty and to introduce an official moratorium on executions (Namibia);

122.9. Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights and establish a moratorium on executions with a view to abolishing the death penalty (Portugal);

122.10. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda);

122.11. Ratify the Optional Protocol to ICESCR (Costa Rica);

122.12. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal);

- 122.13. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Uruguay);
- 122.14. Ratify OP-CEDAW (Slovenia);
- 122.15. That the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women be ratified (Australia);
- 122.16. Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);
- 122.17. Ratify CAT and its Optional Protocol (Guatemala);
- 122.18. Consider ratifying the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Paraguay);
- 122.19. Consider ratifying ILO Convention No.189 (Philippines);
- 122.20. Implement measures to recognize and protect human rights defenders, including those defending the rights of the LGBTI population (Germany);
- 122.21. Extend a standing Invitation to the Special Procedures in order to improve its cooperation with the international community in the field of human rights (Turkey);
- 122.22. Extend a standing invitation to the UN Special Procedures (Guatemala);
- 122.23. Improve its cooperation with the United Nations treaty and charter-based bodies by extending an open invitation to Special Procedures, to accept those requests already pending, and to continue to submit its future reports to the treaty bodies on time (Norway);
- 122.24. Adopt a general legal framework against discrimination, defining this crime comprehensively, including direct and indirect forms of discrimination, contemplating all spheres of public and private law, and criminalising acts committed by public and private agents (Mexico);
- 122.25. Taken necessary steps to eliminate discrimination against women in all spheres of society including making legislative amendments (Namibia);
- 122.26. Continue efforts to combat discrimination against women through appropriate legal provisions (Nicaragua);
- 122.27. Repeal the legal provisions making same sex intimacy among men-described as “gross indecency and buggery”-illegal (Sweden);
- 122.28. Introduction and implementation of fully comprehensive anti-discrimination legislation to include sexual orientation and gender (United Kingdom of Great Britain and Northern Ireland);
- 122.29. Take measures to reduce violence against LGBTI persons, with a view to reducing homophobic prejudices of the Jamaican society and facilitate their access to all services (Uruguay);
- 122.30. In line with the Human Rights Committee, that Jamaica decriminalizes consensual same-sex sexual relations between adults and put an end to prejudices and social stigmatization of homosexuality (Argentina);

- 122.31. **Legally prohibit discrimination on the grounds of sex, sexual orientation and gender identity and punish acts of violence that affect LGBTI persons (Chile);**
- 122.32. **Decriminalize consensual same-sex sexual conduct between adults (United States of America);**
- 122.33. **Decriminalize sexual relations between consenting adults of the same sex and put an end to prejudices and social stigmatization of homosexuality (Germany);**
- 122.34. **Strengthen the legal framework to combat discrimination on the basis of sexual orientation (Italy)**
- 122.35. **Prohibit discrimination on the basis of sex, sexual orientation and gender identity. Such measures would be of great importance to the fight against homophobia as well as for the progress in combating HIV/AIDS in the country (Brazil);**
- 122.36. **Amend its laws with a view to prohibiting discrimination on the basis of sex, sexual orientation and gender identity (Montenegro);**
- 122.37. **Amend the Charter of Fundamental Rights and Freedoms to include sexual orientation and gender identity and expression as a protected category (Norway);**
- 122.38. **Decriminalize sexual activity between consenting adults of the same sex, and address hate crimes on the grounds of sexual orientation and gender identity, as matter of urgency, as previously recommended (Slovenia);**
- 122.39. **Repeal laws that criminalize sexual activity between consenting adults of the same sex (Slovenia);**
- 122.40. **Take measures to eliminate the discrimination and stigmatization against LGBTI persons (Slovenia);**
- 122.41. **Adopt effective measures to eradicate violence against the LGBTI group, as well as the inclusion within the Charter of Rights adopted in 2011 of a provision against no discrimination on the ground of sexual orientation (Spain);**
- 122.42. **Continue its efforts to abolish death penalty (Togo);**
- 122.43. **Observe an official moratorium on executions in order to envisage, ultimately, the final abolition of the capital punishment (France);**
- 122.44. **Establish a de jure moratorium with a view to the definitive abolition of the death penalty (Uruguay);**
- 122.45. **Establish a moratorium with a view to abolishing the death penalty (Argentina);**
- 122.46. **That Jamaica adopt a formal moratorium on the death penalty, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**
- 122.47. **Enact and implement laws and policies that recognize and protect human rights defenders, and ensure prompt, thorough and impartial investigations of all violations against them (Botswana);**
- 122.48. **Establish an official moratorium on executions with a view to abolishing the death penalty (Estonia);**

- 122.49. Establish a moratorium with a view to abolishing the death penalty (Panama);
- 122.50. Establish a moratorium with a view to abolishing the death penalty (Sierra Leone);
- 122.51. Declare a *de jure* moratorium on the death penalty with a view to abolishing the capital punishment, and to consider ratifying the Second Optional Protocol to the ICCPR (Slovenia);
- 122.52. Ensure that gender-based violence is reported, duly investigated and prosecuted (Slovenia);
- 122.53. Ensure the revised Child Care and Protection Act prohibits all corporal punishment of children, including in the home, and explicitly repeals the right to administer reasonable and moderate punishment (Sweden);
- 122.54. Explicitly prohibit corporal punishment in all settings, including the family, schools and institutions (Estonia);
- 122.55. Identify and protect children employed in the worst forms of child labour, and increase assistance to victims of forced labour and sex trafficking (United States of America);
- 122.56. Enact anti-discrimination legislation to protect human rights and to ensure equal treatment of people living with HIV and groups vulnerable to HIV, consistent with United Nations International Guidelines on HIV/AIDS and Human Rights (Norway);
- 122.57. Adhere to the Second Optional Protocol to ICCPR, declare a moratorium on pending executions, with a view to abolishing the death penalty (Costa Rica).
123. Concerning recommendations 8.13, 8.14 and 8.15 put forward by Uruguay, Slovenia and Australia, Jamaica considers that in keeping with standard practice, the Government is in the process of putting in place the relevant domestic measures that can give effect to the implementation of the Optional Protocol.
124. Concerning recommendation 8.20 put forward by Germany Jamaica considers that there is no basis for stating that human rights defenders are at risk in Jamaica; that full protection is afforded to them as citizens under the law; and that they are active, openly engaged in advocacy, and have contributed positively to the development of the Jamaican human rights architecture.
125. Concerning recommendations 8.25 and 8.26 put forward by Namibia and Nicaragua, Jamaica considers it has existing, effective anti-discrimination legislation, which is adequate.
126. Concerning recommendation 8.29 put forward by Uruguay, Jamaica considers it is not accurate to typify the attitudes of Jamaican society generally as “homophobic prejudices”.
127. Concerning recommendation 8.30 put forward by Argentina, Jamaica considers it is committed to taking steps to end prejudice and stigmatisation affecting all Jamaicans, including LGBTI persons.
128. Concerning recommendation 8.40 put forward by Slovenia, Jamaica considers it is already taking measures to eliminate stigma and discrimination against all Jamaicans, including LGBTI persons.

129. Concerning recommendation 8.47 put forward by Botswana, Jamaica considers there is no basis to conclude that Human Rights defenders are at risk.

130. Concerning recommendation 8.52 put forward by Slovenia, Jamaica considers that No country can guarantee that gender-based violence will be reported; and that however, Jamaica continues to employ measures to encourage reporting.

131. Concerning recommendation 8.55 put forward by the United States of America, Jamaica accepts this recommendation in principle, but its interpretation of “sex trafficking” in this context is –human trafficking of minors for the purpose of sexual exploitation.

132. Concerning recommendation 8.56 put forward by Norway, Jamaica considers it has measures in place to combat discrimination of persons, including those living with HIV/AIDS; and that all have equal access to HIV/AIDS medicines.

133. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Jamaica was headed by Senator the Honourable Mark Golding, Minister of Justice and composed of the following members:

- H.E. Wayne McCook, Ambassador/Permanent Representative of Jamaica to the Office of the United Nations and its Specialized Agencies at Geneva;
 - Mr. Elbert Nelson, Assistant Commissioner of Police Jamaica Constabulary Force;
 - Ms. Joyce Stone, Deputy Commissioner of Corrections Department of Correctional Services;
 - Ms. Joan Thomas Edwards, Director International Organisations Department, Ministry of Foreign Affairs and Foreign Trade;
 - Ms Cheryl Gordon, Minister/Deputy Permanent Representative, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva;
 - Ms Alicia McIntosh, Assistant Attorney-General, Attorney-General's Chambers;
 - Ms Patrice Laird-Grant, Minister-Counsellor, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva; Ms. Simara Howell, First Secretary, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva.
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