



**Convention on the Elimination  
of all Forms of Discrimination  
Against Women**

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Distr.  
GENERAL

CEDAW/C/5/Add.38

7 October 1986

ORIGINAL: ENGLISH

Committee on the Elimination of Discrimination  
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

JAMAICA



CONVENTION ON THE ELIMINATION OF ALL FORMS  
OF DISCRIMINATION AGAINST WOMEN  
INITIAL REPORT OF JAMAICA

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Part I

a) Overview

An island democracy based on the Westminster Parliamentary system of government, Jamaica has marked twenty four years as an Independent Nation. It's motto: "Out of many, one people" aptly describes its population, currently estimated at 2.29 million, which, while largely of African descent, includes small percentages of persons of European, Indian, Chinese and Arab descent. Approximately 27% of the population lives in the metropolitan area to which increasing members flock in search of better educational and employment opportunities. 51% of the population is female, approximately 55% of whom are in the 15-44 age group.

The society is stratified, having a very narrow apex and an extensive base of rural and working class, with education being the traditional means of social mobility. However, intensive informal commercial (trading) activity mainly involving women ("higglers") has become a significant means of upward mobility.

In recent years efforts to restructure the island's economy have been undertaken against tremendous odds involving both external and domestic factors. These factors, heightened by the global economic crisis, had an adverse impact on Jamaica's economic strategies which necessitated stringent adjustment measures in both short and medium terms.

In the short term, a basic objective was the dramatic reduction in the central government deficit, which involved, inter alia, a drastic reduction of the public service. Traditionally this is the sector in which the large majority of employees are females. Efforts, such as the "Self-start Project" were made to assist the thousands made redundant, to establish themselves as small entrepreneurs. The structural adjustment process has proceeded despite the increased difficulties posed by the need for short-term stabilization.

Jamaica's Constitution protects fundamental rights and freedoms under its Chapter III. Section 13 provides that these rights and freedoms are to be enjoyed by all irrespective of race, place of origin, political opinions, colour, creed or sex. Should there be any discrimination in respect of the enjoyment of these rights, the injured party may apply to the Supreme Court for redress, under Section 25 of the Constitution. Further, the Constitution also prohibits the enactment of any laws which is discriminatory either through its provisions or in its effect. While generally the rights of women are protected under the Constitution, there are other laws such as the Employment (equal pay for men and women) Act, which provide for their protection from discrimination, to which reference will be made later in the Report.

- b) Legal and other measures adopted to implement the Convention; effects of ratification of the Convention.

As one of its activities in preparation for the 1985 Conference to review and appraise the UN Decade for Women, the Jamaican National Preparatory Committee established a Legal Reform Sub-Committee mandated to examine the Constitution and Laws of Jamaica, in keeping with Article 15 of the Convention.

The Sub-Committee's Report indicated several areas of incompatibility between Jamaica's legal provisions and those of the Convention, identified as under:

- 1) Nationality and citizenship law
- ii) Divorce: the "domicile" concept; the right of a husband to claim damages against a man with whom his wife commits adultery ( a wife has no corresponding right); matrimonial property
- iii) Parental Rights; not equally enjoyed in all respects. For example, the Marriage Act stipulates that it is the father who must consent in the case of a minor born in wedlock.

The Sub-Committee's report and conclusions have been submitted to the Office of Legal Reform in the Ministry of Justice for the required action. Additionally, it should be noted that the relevant legislative authorities are bound by a Cabinet Decision to prepare legislation the enactment of which would make possible the withdrawal by Jamaica of the reservation it entered to Article 9, paragraph 2 of the Convention, at the time of ratification. The process, a long and laborious one, is underway.

c) Institutions

The Bureau of Women's Affairs established in 1975, has, as one of its responsibilities, the monitoring of the status of women in Jamaica. It is aided by a National Advisory Council (chaired by the President of the Senate) with parish branches island-wide.

Should there be any discrimination against women in respect of their enjoyment of fundamental rights and freedoms, an application could be made, under Section 25 of the Constitution to the Supreme Court for redress. An appeal against the judgement of the Supreme Court can be entered with the Court of Appeal.

d) Means for promoting and ensuring the full development and advancement of women.

Other Sub-Committees established by the already-mentioned National Preparatory Committee, dealt with education, health employment and public relations. These examined the status of women as it related to their particular theme and presented reports with recommendations for action to be spearheaded by the Bureau of Women's Affairs. The method proved worthwhile and is now utilized by the National Advisory Council, which additionally, has set-up a Sub-Committee on international affairs to promote women's interest, knowledge of and participation in this area.

The Bureau frequently organizes seminars, workshops and lectures to build up the awareness of both women and men on issues related to the equality of women with men and the status of women. The media is also regularly utilized for the development of awareness.

Working with the National Advisory Council, the Bureau has also sought to advise women on ways and means to take advantage of funding possibilities and technical assistance offered by public and private agencies, for the establishment of small businesses and farms. The Bureau has also initiated a variety of income-generating projects for women. Perhaps its "star-performer"

is its Women's Centre Programme for Adolescent Mothers whose objective is to ensure that the teenage mother is returned to the school system to complete her education after the birth of her baby. The students attend classes in academic subjects and receive counselling in family life education, child care and family planning. The main centre also offers skills training. The low rate for second pregnancies by full-time participants was maintained at approximately 2%.

Training in non-traditional skills is also promoted by the Bureau, a result of which is the Women's Construction Collective, involved in training women in building skills. The Collective has grown from ten to thirty five women, many of whom are actually employed on construction sites.

The Family Court is a system through which some of the social and legal problems of Jamaican women and their families are addressed. The judicial section of the Family Court relieves the Resident Magistrate's Court of the vast array of family matters, expedites their resolution and offers some degree of privacy for the parties involved.

Most of the cases brought are for child support and relate to the reluctance or inability of fathers to support their children.

Private women's groups (e.g. Soroptomists, Women's) and those affiliated to political parties also play their part in monitoring the status of women, promoting their development and integration and protecting their rights.

e) The Convention vis-a-vis the Courts

Except for any provision which reflects customary international law, the Convention cannot be involved before and directly enforced by the Courts.

PART II

Article 2

Para. a) Mention has already been made of the Constitutional provision (in Section 13) for fundamental rights and freedoms to be enjoyed by persons irrespective of many factors, including sex. A person may not therefore be discriminated against because of their sex. One may also note Section 4 of the Interpretation Act which states that, in all legislation unless otherwise stipulated, words importing the masculine gender includes females. Accordingly, rights granted or duties imposed by legislation, apply equally to women and men, unless otherwise specifically provided.



- b) Discrimination is proscribed when it is seen or shown to be evident in intent or effect. In accordance with this policy, the Employment (Equal Pay for Men and Women Act) was passed in 1975, to proscribe the practice of paying women less than men for comparable work done. A National Minimum Wage Order was enacted bringing much relief particularly to the thousands of women employed as domestic helpers. In practice both laws have improved the condition of women, though the island's economic situation has meant a contraction of job opportunities and caused thousands of persons, (largely women in the public sector and teaching service) to be declared redundant.

In 1979, the Maternity Leave Act sought to safeguard the position of employed women during the maternity leave period. Earlier, in 1976, the Births and Death Act allowed the registration of fathers of children born out of wedlock. The Passport Regulations amended in 1979, gave women equal rights of consent for the issue of passports to their children.

The Government of Jamaica is committed to enacting, wherever and whenever it is necessary, appropriate legislation to deal with any form of discrimination.

- c) Individuals alleged to be victims of discrimination may seek redress in the Courts which may demand compensation for any damage inflicted or seek a declaration to avert repeated instances of violations. If the rights are violated by public officials, complaints may be lodged before the Ombudsman.

- d) The provision of this paragraph is already government policy.
- e) If persons, organizations or enterprises break the laws proscribing discrimination, committing an offence under the Penal Code, the appropriate penalty is attracted.
- f) Mention has already been made of work underway in the relevant legislative bodies to abolish or amend existing laws which are discriminatory against women. However, one is conscious of the fact of the limitations of the law in effecting a change in attitudes and social practices and customs. Still, it is acknowledged that as a statement of Government policy, legislation facilitates the necessary social climate for the translation of ideals into practical reality. The already stated activities of the Bureau of Women's Affairs and other local women's organizations are relentlessly eroding stereotypical role-images which discriminate against women. One breakthrough is in the labour and employment field where women are increasingly making their mark in engineering, auto-mechanics and other industrial arts, for example.
- g) Jamaican penal laws do not discriminate against women.

### Article 3

Jamaica has not found it necessary to use legislation to achieve the aims of this Article, as women have for long enjoyed equal rights and have actively participated in the political, social, economic and cultural fields. An illustration of this long tradition is "Nanny", Jamaica's national heroine who led a peasant revolt against the colonial government in 1865, in the people's long march to self-government and later, independence. The matriachal nature of the society plus the fact that the economic situation has demanded and further developed the ingenuity and

creativity of women, have been eroding inhibitions about their active and often predominant roles in these fields.

#### Article 4

No temporary special measures have been taken. It should be noted, though, that certain laws maintained a difference in approach between men and women, responding to the sensibilities of women. Section 51 of the Jury Act, for example, allows women, on application, to be exempt from service on a jury by reason of the nature of the evidence to be given or issue to be tried.

With specific reference to paragraph 2 of this Article, the passage of the 1979 Maternity Leave Act should be noted. The Act protects female workers employed for at least fifty weeks by the same employer at the time of the commencement of the leave. Three months maternity leave (at least two months fully paid) are granted, after which the worker has the right to return to her place of employment without prejudice to her position. Under an amendment to the Education Act (regulation 65) similar maternity leave benefits were provided for teachers, but, a teacher who is permanently employed, regardless of the period served, qualifies for those benefits. Domestic helpers, excluded from the Maternity Leave Act, are provided for under an amendment to the National Insurance Act, through which a maternity allowance equivalent to the national minimum wage is payable for eight weeks to a pregnant domestic helper, provided the necessary contributions to the scheme are made.

## Article 5

- Para. a) Among measures undertaken to combat the idea of female inferiority and break-down stereotypical role images are: the development of appropriate school curricula; media awareness efforts (including the non-use of sexist advertisement); the use of drama, particularly through groups such as the Sistren Theatre Collective which is one of the original projects of the Bureau for Women's Affairs.
- b) The National Family Planning Board is actively involved in promotional programmes to orient the public on parenthood and the equal responsibility of both parents in the rearing and development of children. The Family Court also employs legal and social experts in its Family Counselling Service and its social services desks (Children's Services Division - probation; Child Abuse Unit and Health). Both agencies, at the public level, seek to promote the stability of the family and the protection of children. Additionally, May is Family Month in Jamaica, during which public and private institutions, particularly religious groups, organize series of seminars or workshops in family life and exemplary national "Parents of the Year" awarded.

## Article 6

The Offences Against the Person Act of 1864, protects females from exploitation and physical and sexual abuse. Section 55 protects a woman of estate from being abducted or detained against her will by anyone who would fraudulently allure her or take away her possessions. Section 56 provides that any person who detains a woman against her will with intent to marry or sexually abuse her is guilty of a felony.

Section 58 states that anyone who procures or attempts to procure any girl or woman under twenty one years old and is not a prostitute or known to be of immoral character, to sexually abuse her, is guilty of a misdemeanor and will be imprisoned for a stated term. Likewise, anyone guilty of procuring women as prostitutes will be appropriately penalised. Section 59 proscribes the use of threat, fraud or drugs to bring women into prostitution. Under Section 63, males who live partly or wholly from the earnings of prostitution shall be liable to imprisonment for no more than twelve months on summary conviction before a Resident Magistrate. This offence may also be committed by a female if she is shown to have controlled or directed or influenced a prostitute, implying compulsion, aiding and abetting. The punishment is the same, but for repeated offences, the male offender may be whipped. Where the prostitute is under 14 years old, the convicted offender will face a two-year prison term.

Jamaica is party to the following conventions:-

- i) International Convention for the Suppression of the White Slave Traffic. (Paris, 1910) amended by the 1949 Protocol.
- ii) International Agreement for the Suppression of the Traffic in Women and Children (1921) amended by the 1947 Protocol
- iii) Convention for the Suppression of the Traffic in Women of full age, 1933.

## ARTICLE 7

In Jamaica every citizen, regardless of sex, race, political opinion, colour or creed, has the right to take part in the conduct of public affairs directly or through freely elected representatives. Every citizen also has the right to vote and to be elected to political office at elections which are constitutionally provided to be held at least every 5 years.

The 'SEX DISQUALIFICATION ACT' makes it unlawful for a woman to be excluded from public, civil or judicial office because of her sex or her marital status.

It should be noted however, that there are qualifications as to the age of persons to be elected to the House of Representatives or those with the right to vote. Section III (3)a of 'REPRESENTATION OF THE PEOPLES ACT' states that no person is entitled to vote if he or she is under the age of 18 years. Section 39 of the Constitution bars any person under the age of 21 from membership of the Senate and of the House of Representatives.

There is no impediment on the ground of sex for the participation of each citizen in the formulation of government policy and its implementation as well as to hold public office and perform related activities at all levels. In fact, in Jamaica the majority of public officers are women, though of the twenty (20) Government ~~Ministries~~ only three (3) of the posts of Permanent Secretary are held by women. Several important Statutory bodies are however headed by women, such as the Jamaica National Investment Promotions, the Jamaica Tourist Board and the Urban Development Corporation.

Women are becoming more involved and accepted in the political arena. In recent municipal elections for example, the largest poll for any candidate was won by a woman in the Metropolitan area. Of the 187 Polling Divisions, 22 were won by women.

In Parliament there are 7 women of whom one is a Minister and one is a Minister of State. The Senate is presided over by a woman. Of the twenty other Senators, three are females.

In non-governmental agencies and associations, women have equal rights with men to participate in any sphere of action under the portfolio of such bodies.

Women have been making inroads in many of the once male dominated organizations - example: the head of the Private Sector Organization of Jamaica is a woman. Several large commercial and other Firms are also headed by women. Membership of social clubs for the purpose of service to the community, such as Women's Club, the Lioness and various professional and Soroptomist bodies have significantly increased their membership.

#### ARTICLE 8

The rights set out in this Article are enjoyed without distinction as to whether the individual is male or female. As already mentioned, Jamaica's Civil Service is largely staffed by women and despite the low number of women who have reached the rank of Permanent Secretary, many hold Directorship posts in sensitive and important areas. This reality is also reflected in the Foreign Service. Of the twelve Ambassadorial posts in the External Service, only two are held by women; while of the six posts of Consuls and Consuls General, only one is held by a female. However, equal opportunity is afforded both male and female employees to represent government at international conferences and seminars; but wherever budgetary restrictions severely limit the size of delegation,

representatives are normally limited to Ambassadorial level; thus, it would be true to say that men more frequently participate in international meetings than women.

In an effort to update the External Service Orders and also to remove elements of discrimination, amendments to the Orders were adopted so that similar rules now apply to both male and female officers who wish to marry and to whom children's allowance and educational allowances are to be paid. Previously these regulations had benefitted only men.

#### ARTICLE 9

While there is no incompatibility in Jamaican laws with paragraph 1, there is regrettably a difference between existing Jamaican laws and the objective of paragraph II. This difference motivated the reservation entered by Jamaica with respect to Article 9 (II). In the Constitutional provisions dealing with citizenship it is provided, inter alia, that "a person born outside Jamaica after the 5th day of August 1962 shall become a citizen of Jamaica at the date of his birth if at that date his father is a citizen of Jamaica....."

The Cabinet in its Decision for ratification (with reservation) of the Convention also decided that legislation should be enacted by Parliament to confirm with the provisions of Article 9 paragraph II and that this reservation should be withdrawn once the necessary legislation is enacted.



The Director of Legal Reform (who is female) and the Chief Parliamentary Counsel are currently pursuing the implementation of the Cabinet Decision.

#### ARTICLE 10

There is no discrimination practiced with respect to rights set out in this Article as both male and female students have equal access to education.

In Jamaican schools from Primary to Tertiary levels equal opportunities exist for both male and female students for career and vocational guidance and for access to the same curricula and examinations. The majority of schools in Jamaica being co-educational, both sexes are also exposed to the same facilities, quality of teaching, premises and equipment. However, differences may arise where students because of traditional customs, select one field of study in preference to another.

Over the years, the problem of teenage pregnancy and the consequent dropping out of school has been of great concern. There have been attempts to educate young people on the problems related to early pregnancies, the economic strain on the person involved, and the eventual pressure caused on the society as a whole. Within the schools, guidance counselling programmes have been upgraded. The electronic and printed media have joined the campaign to dis-

courage teenage pregnancies and the National Family Planning Board has stepped up its programmes. Women Centres established under the Bureau of Women's Affairs have developed a special programme for girls who have become mothers before completing primary or secondary education. They are provided with continuing education programmes while they prepare for the delivery of their babies and after, they may take the babies to the nursery as they complete their courses. These centres have registered a 98% success rate in preventing a second pregnancy as girls return to the regular school system.

Just as academic education is available to all sexes, physical education and sports are also open to all. However, as would be expected, there is a distinct preference among girls and boys for particular sports, e.g. football, boxing etc. which remain male sports due to the amount of physical force exerted in the game. In some cases however, where girls so desire, they are allowed to play these games with additional rules being added to prevent injury.

Health centres, clinics and hospitals across the island are provided with brochures which, in simple easily understood language, provide information on those ailments of high incidence in Jamaica (e.g. cervical cancer, hypertension, diabetes). The islandwide branches of the National Family Planning Board supplement this with relevant data on family planning, prevention, detection and treatment of sexually transmitted diseases. Government and church-affiliated counselling centres offer guidance for physical and psychological problems, but these centres are largely limited to the urban areas.

An interesting and effective project undertaken by the Jamaica Family Planning Association was the 1983-84 "youth to youth" project aimed at reaching adolescents to provide information on family planning and contraceptive services, utilizing the peer

counselling method. During the period 742 persons were recruited.

# ARTICLE 11

Jamaica, a state party to the International Covenant on Economic, Social and Cultural Rights, accepts the principle of the right to work. In this respect, there is no legal or administrative measure which permits sex-based discrimination. While the opportunity exists for both male and females to apply for jobs on an equal basis, no official policy can effectively guarantee that a private sector employer makes an appointment without prejudice to sex. Among young university graduates, for example, it will be noticed that male applicants are more readily absorbed into the labour force than similarly qualified females.

Available data indicate that women constitute 46.6 percent of the labour force, yet their share of employment is only 39.6 percent. Unemployment statistics for 1985 were as follows:-

		<u>April</u>	<u>October</u>
National average	-	24.4	25.6
Male rate	-	15.3	16.1
Female rate	-	35.3	36.6

The high incidence of female unemployment is of critical concern particularly as many women are household heads. This fact motivates the several income-generating projects of the Women's Bureau.

The occupational distribution tends to follow the traditional pattern where there is a concentration of women in a number of occupations, particularly services, clerical and sales jobs. There is also a substantial number of self-employed women in commerce, agriculture and services. Current estimates are that 16% of the women

in the labour force have unsuccessfully sought employment.

OCCUPATIONAL DISTRIBUTION

<u>OCCUPATIONS</u>	<u>% OF FEMALE WORKERS</u>
Service	75%
Clerical & Sales	64%
Professional, technical, administrative, managerial	58%

The Employment Act of 1975 granted women the right to equal remuneration with men for equal work done. Though this has been adhered to in several areas of employment, there are still a few employers who reward males on a higher level than women for the same work done. It has been noticed that an Act still exists - The Printing Trade Order - which allows men in the Printing Industry to earn a larger salary than women, the explanation being that in practice the men do heavier work than women.

The Government in 1975 passes a National Minimum Wage Order which prescribed a national minimum wage, and the maximum number of hours of work required for that wage for all workers. Provision is also made for the worker to be paid for any hours worked in excess of that time. Though this Order is not confined to women it is of particular importance to them since women tend to hold the lower paid jobs and a number of them are employed as household helpers. This minimum wage was subsequently revised in 1978, 1979, 1980, 1984 and again 1985 to make it more commensurate with the rising standard of living.

In Jamaica, all workers are expected to make regular contributions to a National Insurance Scheme which ensures that on retirement, the worker is guaranteed a regular pension. This system does not make provisions for subsistence during periods of unemployment. Provisions for payment of benefits during sickness,

invalidity or other incapacity to work are made by individual employers. Since there is no official policy for such cases, employees often suffer severe hardships in collecting benefits from employers in the event of incapacity. At times some of these cases have to be taken to the law courts.

No official policy exists which seeks to protect pregnant women from harm at their work places. This has been left up to the individual employer who should seek to create safe working conditions for everyone. Failure to do this could result in accidents on the job and subsequent lawsuits.

The Government has sought to establish necessary social facilities which enable parents to combine their family obligations with their work responsibilities. Several Day Care Centres have been established throughout the country, subsidized by the Government and charge a nominal fee to the parents. These facilities provide a holding centre and pre-school for the children while the parents are at work. Several other centres operated by private individuals have emerged especially in the Corporate Area (Kingston, St. Andrew) and this has served to increase the quantity and services available to children while parents are at work.

## ARTICLE 12

Jamaica has developed a very effective Primary Health Care system, and is one of the eight health systems in the world that the World Health Organization has singled out for analysis and study. Although the programme is structured to address the health needs of both men and women, women and their children are the main users of the service. A network of 375 health centres is scattered across the country to ensure adequate coverage of women and their families and easy access of all persons to varying levels of health care.

The National Family Planning Board of the Ministry of Health has particular responsibility for family planning activities including tubal ligations. Family Planning clinics have been established all over the island and have made their services available to women at little or no cost. The clinics have recorded an increase in the number of visits e.g. in 1982, 237,600 visits were made, and in 1983, 269,500.

The Ministry of Health considers the care of women in cases related to pregnancy a very important part of their work. In the public hospitals, antenatal and postnatal services are provided for each mother at a nominal fee. Over the past few years, there has been the development of an outreach arm in the form of Community Health Workers who have been given the task of locating the recently delivered mothers and motivating them to make use of the postnatal services of the hospitals.

Nutrition Education has been focussed on pregnant and lactating women through the antenatal clinics since there is an increased tendency for malnutrition to occur in these cases. Due to the severe economic pressures facing the majority of the population, the Government recently introduced a Food Stamp system which provides food vouchers for the poorest in the society as well as for pregnant and lactating mothers.

### ARTICLE 13

In Jamaica women have equal rights with men in the acquisition of family benefits. A woman's right to bank loans, mortgages and other forms of financial credit is only subject to the individual's ability to produce the required collateral. The right to participate in recreational activities, sports and all other aspects of cultural life is for all Jamaicans regardless of colour, creed or sex.

ARTICLE 14

In Jamaica, women constitute 31% of the total labour force involved in Agriculture, Forestry, Fishing, Mining and other activities commonly related to rural living. Because of the great amount of manual labour involved, there is a tendency for employers to employ more men than women. Despite this however, women constitute 40% of the unskilled manual labour force in the rural areas. Among the self employed persons in Agriculture, women form only 18% of that group.

The Government of Jamaica has sought to ensure that adequate health care facilities are available to the people in the rural areas. Where hospitals are far away, clinics meet the everyday needs of the population. The facilities are open to everyone on an equal basis, but generally they are utilized to a greater extent by women and children.

Social security programmes which are available to women in urban areas are also made available to women in the rural sectors. The Pension Scheme is administered through local post offices and the Food Stamp Scheme through local poor relief offices.

Over the years the development of the living conditions in rural areas in relation to the provision of adequate housing, sanitation, electricity, water supply, transport and communication has lagged behind the development of the urban areas. However, these programmes, mostly controlled by the Government, do not distinguish between male and female. Each is treated on an equal basis.

ARTICLE 15

Section 20 (1) of the Constitution provides that "whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law".

This clause accords equality before the law to any person without prejudice to race, creed, colour or sex.

Section 16 (1) of the Constitution states that "no person shall be deprived of his freedom of movement....the right to move freely throughout Jamaica, the right to enter Jamaica and immunity from expulsion from Jamaica," except where the person is required in the interest of public safety, public defence or public health.

In practice, Jamaicans are free to move anywhere within the country and to live in any area of their choice. Section 19 (1) of the Constitution guarantees the individual protection for the privacy of his home and other property. "Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises". This provision is not applicable when there is a need to protect the public safety.

Although the provisions of this Article are nearly all reflected in common or statute law, it should be mentioned that Jamaican law still recognises the rule that with respect to a married woman, her domicile is that of her husband and will change as his does. This is one of the matters under the attention of the Director of Legal Reform.

#### ARTICLE 16

Basically, Jamaican law recognises equality of the husband and wife with respect to marriage and its consequences, including children. This is evidenced in the Marriage Act, the Status of Children Act, the Divorce Act. However, there are certain aspects of the law on which the attention of the Family Law Committee has been focussed. That aspect relating to the division of matrimonial



property is being reviewed as the Committee considers that it operates unfairly against women. For a wife to establish a share in property held in her husband's name, (e.g. the matrimonial home) she has to prove that she has made a substantial contribution to its purchase or improvement. The difficulty is evident, though particularly so for the wife who has remained at home, since domestic services are not regarded as a valuable contribution for the purpose of determining property rights.

The Committee recommended that spouses should each be automatically entitled to a half share in the matrimonial home and that the Court should be given discretion to divide other property between them in the breakdown of the marriage. The Committee published a Working Paper to stimulate public discussion and to solicit views as to the desired reform.

Common Law vested parental rights exclusively in the father of a child born in wedlock. Over the years the position of the father has been eroded by statute. For example, The Children (Guardianship and Custody) Act gives to the mother equal right with the father to apply to the Court for custody of the child. Pursuant to the amendment of the Passport Regulations in 1979, the mother's consent is now acceptable for the issue of a passport to the child.

There are, however, inequalities in certain respects: the legal requirement as to parental consent in the case of the marriage of a minor illustrates this. The Marriage Act stipulates that it is the father who must consent in the case of a child born in wedlock. Otherwise, the mothers' consent is required. It should be noted that consequent on the abolition of illegitimacy by the Status of Children Act, the father of a child born out of wedlock is now entitled to apply for custody of the child.