



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-fourth session

Summary record of the 503rd meeting

Held at Headquarters, New York, on Friday, 26 January 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

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

Second, third and fourth periodic reports of Jamaica (continued) (CEDAW/C/JAM/2-4; CEDAW/PSWG/2001/I/CRP.2/Add.1)

1. *At the invitation of the Chairperson, Ms. Simms (Jamaica) took a place at the Committee table.*

2. **Ms. Gaspard** asked why so few women in Jamaica were in decision-making positions, especially in the political sphere, and how that situation could be redressed. In introducing Jamaica's combined second, third and fourth periodic reports (CEDAW/C/JAM/2-4) at the preceding meeting, the representative of Jamaica had mentioned the need to change the political culture. In most countries, the political world was a "boys' club" that was not naturally open to change. However, a number of countries had adopted affirmative action measures to force political parties to put forward more women candidates. Such measures were permissible under article 4, paragraph 1, of the Convention. She understood that quotas were not viewed favourably in Jamaica, even by many women, who feared that quotas would create the perception that they were undeserving of their positions. The idea of parity, meaning that equal numbers of women and men should be involved in decision-making, was more likely to gain acceptance from both women and men. Progressive minimum numbers of women candidates could be specified, or public financing of political organizations could be linked to the presence of an adequate proportion of women in those organizations. She wondered whether any such measures might be envisaged in Jamaica, where women's dynamic involvement in non-governmental organizations and society in general contrasted with their low level of participation in decision-making.

3. **Ms. Goonesekere** said that Jamaica's legal reforms, though they appeared slow, represented a considerable achievement in view of the traditional conservatism of the judiciary. She was also impressed by women's access to tertiary education in Jamaica despite the cutbacks in social spending that had resulted from the structural adjustment programme.

4. Although the Jamaican Constitution expressly provided for equality and non-discrimination between

women and men, the lack of remedies in cases of non-compliance with that provision was a fundamental weakness. In their written reply to question No. 3 of the list of issues and questions (CEDAW/PSWG/2001/I/CRP.2/Add.1), the Jamaican authorities had cited a court ruling in Saint Lucia to the effect that the constitutional provision prohibiting gender discrimination was only declaratory and not binding, and had indicated that the Jamaican courts were likely to take a similar position. She wondered whether the courts could, instead, be proactive in their interpretation, and she suggested that they should consider the jurisprudence of other Commonwealth countries, such as Canada and India, in which Supreme Court rulings had strengthened women's capacity to exercise their constitutional rights. Enforcement mechanisms were essential for protecting such rights.

5. The fact that constitutional provisions did not always cover the private sector was a serious problem, especially in view of the private sectors growing share of the labour market. She asked for a description of Jamaica's position concerning constitutional rights and the private sector in terms of future legal reforms. Once again, the jurisprudence of countries such as Canada and some South Asian countries could be useful in that regard.

6. With respect to the Offences Against the Person Act and vagrancy laws, a number of countries with similar laws had changed them to reflect concerns about gender-based violence. Such laws traditionally focused on street prostitution and did not cover contemporary forms of exploitation of women. The definition of rape in the Jamaican Penal Code was inadequate; she wondered whether consideration had been given to including marital rape in that definition. She also wished to know whether the enforcement mechanism had been effective and whether the law of evidence would be reformed to remove barriers to the obtaining of forensic evidence. She asked whether there was any particular reason why Jamaica had separate laws on incest and sexual harassment.

7. Although Jamaica's report referred to common-law marriages, it included no information on the rights of women and children in non-marital situations. The introduction of "breakdown of marriage" as a ground for divorce was a far-reaching change. However, women could be disadvantaged unless they were very well protected with regard to matrimonial property rights and custody of children. The maintenance law

was based on the concept of a male breadwinner's duty to support his wife and children; however, since women were an important source of economic production, she wondered whether the maintenance law would be changed to reflect that reality. The sexual responsibility of men, particularly with respect to the maintenance of children born outside marriage, should also be reflected in law.

8. In an earlier report, the Jamaican authorities had indicated that women's economic empowerment was one of the causes of domestic violence; she asked how that problem was being addressed. There was a discrepancy between the definition of a minor as a person aged 16 or under and the requirement of parental consent to marriage up to the age of 18. She wondered whether that meant that adolescent marriages took place in Jamaica; such marriages were contrary to the Convention. Lastly, she asked whether the Jamaican Nationality (Amendment) Act clearly stated that a Jamaican woman married to a foreigner could transmit her nationality to her children.

9. **Ms. Shin** asked how men in the Government, male religious, academic and opinion leaders and ordinary men and boys were responding to women's efforts towards equality in Jamaica. She wondered how men perceived and reacted to women's demand for equality and which men were supporting that cause.

10. The name of the Dispute Resolution Foundation, which the delegation had mentioned in connection with domestic violence, seemed to imply that such violence was considered a private matter. If that was the case, such violence would be hard to eliminate. It should be seen, instead, as a social crime. The special training provided to police officers and prosecutors and the services provided to victims must be complemented by preventive measures, which must begin with the idea that domestic violence was a crime.

11. **Ms. Simms** (Jamaica), replying to questions asked by Committee members at the morning and afternoon meetings, said that the Women's Centres Foundation offered programmes to promote young fathers' involvement in child-rearing. However, it was often older men who impregnated young girls and refused to accept the consequences.

12. Female condoms were available but were far more expensive than male condoms. There was a need for public awareness campaigns to overcome men's resistance to the use of condoms and to encourage

women to take responsibility for their own bodies. She welcomed the Committee's suggestion that the Government should seek outside funding for such a project.

13. With regard to employment, Jamaican legislation stipulated that men and women must receive equal pay for the same work but did not yet include the concept of equal pay for work of equal value. Her office would endeavour to obtain gender-disaggregated statistics on the percentage of women who benefited from poverty reduction programmes. Maternity leave existed but was often unpaid; seasonal workers were at a particular disadvantage. The Government issued guidelines on the length of maternity leave and the payments that women should receive, but it could not enforce compliance by the private sector. There was no legislation prohibiting sexual harassment; the Bureau of Women's Affairs was considering preparation of a bill based on the Caribbean Community (CARICOM) model law on that matter and was holding workshops on sexual harassment in the workplace and, in particular, the tourism industry.

14. She agreed that there was a need to disaggregate statistics on court cases by gender and by crime. Despite backlogs, about 50 per cent of cases were resolved expeditiously. Moreover, night courts had been established to address the problem, which was being taken into account in the ongoing legal reform process.

15. Efforts were being made to educate the public on the difference between the concepts of sex and gender. There was considerable resistance to the latter term, but some progress had been made in mainstreaming a gender perspective into the development process.

16. With international assistance, the Ministry of Agriculture was providing small loans for rural women, most of whom were subsistence farmers who found it difficult to bring their produce to market. The import goals established as part of the globalization process had had a negative impact on the local economy.

17. The forces of religion and tradition were exerting considerable pressure to prevent the legalization of abortion, arguing that it would be used as a method of birth control. The issue was under discussion as part of the legal reform process, and the medical community had recently lent its voice to the debate.

18. Many domestic workers chose not to contribute to the pension plan established for them, and employers generally did not encourage them to do so. Even at minimum wage, such jobs were the most poorly paid; however, efforts were being made to encourage domestic workers to set aside even a small amount of their earnings. It was also necessary for middle- and upper-class women to develop a social conscience concerning their employees.

19. The nation's political parties had been founded in the late 1930s by and for male workers in the mining and sugar industries. Their progressive ideas had led to the existence of a two-party system but had also promoted "tribalism" and violence in the political culture. Consequently, many women were reluctant to enter politics. The Women's Political Caucus was trying to promote women's participation; the Government was not opposed to the taking of positive action and had already appointed one woman official. Greater efforts were needed, however, and the Bureau of Women's Affairs planned to recommend that additional appointments should be made and that women should be encouraged to run in elections where they had a reasonable chance of success.

20. The post of senator was unpaid and had been designed for members of the landed gentry under the British system; payment of salaries would remove a serious barrier to women's candidacy. But campaigns were expensive and, barring a change in the political culture, most women could not afford to run for public office. There was great resistance to positive action in that area; women themselves tended to feel that they were merely being patronized.

21. She was encouraged by Ms. Goonesekere's questions, which demonstrated that there was a precedent for change elsewhere in the Commonwealth. Efforts would be made to extend the definition of rape and incest to include boys and to raise the issue of marital rape. However, much of society would prefer not to deal with such a controversial issue. The lawyers involved in the legal review were considering amendments to the law of evidence, and Jamaica's Ambassador for Children was endeavouring to rationalize national legislation on all issues, including the age of consent to marriage and child labour.

22. There was a significant male backlash against the progress made by women. For example, the high dropout rate among boys was being blamed on the

large number of women teachers, although that situation had always existed, and similar arguments were being used to counter women's claims at all levels of society. The Prime Minister was genuinely committed to the advancement of women, but many male politicians were opposed to it, and even women tended to fear that change would have negative consequences for their sons. Efforts must be made to improve boys' performance in school, but not at the expense of girls' educational prospects.

23. Several factors combined to prevent women from getting the jobs they deserved. Some claimed that there were no jobs; others believed that traditional attitudes were at fault; while still others argued that women were becoming too powerful and must be held in check. Jamaica was a class-based society, and the rhetoric of influential men, echoed by the media, carried considerable weight. On the other hand, popular songs, often called the poor man's rhetoric, also embodied an anti-woman backlash.

24. She was optimistic as to the possibility of enlisting younger men in the cause of advancement for women and believed that the current generation of mothers would raise sons with an attitude different from that of their fathers; however, it might not be possible to change the older generation. The Committee's questions had shown that the problems faced by Jamaican women were in fact universal, and its comments would be reflected in Jamaica's next periodic report.

25. **The Chairperson** urged the delegation not to give up hope of changing attitudes among the older generation; to continue the legal reform process; to pursue efforts to change gender stereotypes and traditional attitudes; and to involve men in that process. The issue of men's marginalization could be a strategy to divert attention from the problems faced by women, although she agreed that boys' needs must also be taken into account. Lastly, she said she was surprised that Jamaican senators served without remuneration; changes in that area might encourage more women to enter politics.

The meeting rose at 4 p.m.