



**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 502nd meeting

Held at Headquarters, New York, on Friday, 26 January 2001, at 10.30 a.m.

Chairperson: Ms. Abaka

Contents

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

Second, third and fourth periodic reports of Jamaica

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The meeting was called to order at 10.45 a.m.

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

Second, third and fourth periodic reports of Jamaica (CEDAW/C/JAM/2-4)

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

2. **Ms. Simms** (Jamaica), introducing the second, third and fourth periodic reports of Jamaica, said that the reports did not reflect all the achievements and contemporary realities now facing the country.

3. Women in Jamaica continued to face significant challenges in many areas. While her country had an impressive body of laws prohibiting discrimination, they had to be applied against the background of traditional attitudes towards women inherent in patriarchal systems. Accordingly, a legislative review had been commissioned to redress certain imbalances and inequalities in the laws in order to bring them into line with contemporary thinking and the new sense of awareness of the role of women in society, and harmonize local laws directly affecting the promotion and protection of women's rights with the norms and standards established by international conventions.

4. One of the great contradictions of Jamaican society was that, despite women's great academic achievements, they occupied few positions of real power and influence in the formal structures of the political environment. Although the President of the Senate and Speaker of the House were women, only two of the 17 members of the Cabinet, and eight of the 60 members of the House of Parliament were women. Equitable representation of women in politics therefore continued to be a challenge.

5. The Government needed the full support of civil society to change the political culture which had evolved since independence. It was therefore encouraging that the Jamaica Women's Political Caucus, a non-governmental organization, had been making positive efforts to encourage the active participation of more women in the political process. Another positive development was the fact that some 30 per cent of senior positions in government were held by women, a situation for the private sector to emulate

since women held no more than 10 per cent of senior management positions in that sector.

6. Poverty continued to affect all aspects of women's lives. The Government had accordingly made poverty eradication a national priority and had initiated a number of programmes to address the problem, focusing on rural and inner city women and domestic workers, who were generally the most marginalized in the economy.

7. The strategy for a wider integration of women in the tourism sector enjoyed the Government's support. However, sex tourism, prostitution and the sexual exploitation of young girls still presented formidable challenges.

8. With regard to education, she said that significant inroads had been made in reversing the traditional stereotyping of gender roles, especially as far as keeping girls in school was concerned. Currently, women outnumbered men at the tertiary level, as well as in the faculties of law and medicine and in the traditional female-dominated professions. However, women still faced difficulties in finding employment commensurate with their qualifications.

9. As a measure of women's health, she noted a significant reduction in infant, child and maternal mortality. Moreover, cancer prevention efforts had been strengthened, while the prevention of sexually transmitted diseases had been integrated in family planning services.

10. The question of HIV/AIDS demanded special attention, however, because women were contracting the disease at a faster rate than men. Moreover, females in the 10-19 year age group seemed more likely to be infected than any other group. Some of the factors contributing to the spread of the disease were the failure of women to use protective devices and involvement with multiple sex partners.

11. The Government had also made significant progress in addressing domestic violence and gender-based violence. However, it continued to be concerned with the high levels of crime and violence. A number of measures had been taken to address that issue, including rape investigative units located in major population centres, a victims support programme and a conflict resolution foundation. The Government also gave grants to a number of non-governmental organizations, which provided services in that respect.

Moreover, an inter-agency campaign on violence against women and girls and an education campaign on incest had been launched. To address various aspects of gender-based violence, the Domestic Violence Act, the Offences against the Persons Act and the Incest Punishment Act were being reviewed and a sexual harassment bill was under consideration. The lives of women had been further improved by rural electrification, access to telephones and other modern technologies, and access to improved water and road systems.

12. However, all the Government's efforts were affected by the overriding issues of structural adjustment, globalization and a growing debt service burden. It needed to renew its efforts to find creative and collaborative means to bring all resources together in more strategic ways, so that the most oppressed, marginalized and poorest members of society could participate meaningfully in the process of development and change. That forward-looking strategy would hopefully lead to a time when every Jamaican woman felt that she had a measure of autonomy and real choices. She assured the Committee that her Government would live up to its commitment to the CEDAW Convention. Plans were in place to prepare for the ratification of the Optional Protocol.

General comments

13. **The Chairperson** thanked the expert from Jamaica and said that the oral presentation had been encouraging in many respects.

14. **Ms. Ferrer Gomez** congratulated the Jamaican Government upon its political will to implement the Convention and for its participation in all international events and conferences concerning the advancement of women. She fully understood how difficult it would be to combat the adverse effects on women of the structural adjustment programmes, the debt crisis and the subsequent reduction in social spending. Noting that 47 per cent of family units were headed by single women and 30 per cent of such units lived below the poverty line, she asked what percentage of women had benefited from the programmes to eradicate poverty. It was stated in Jamaica's responses to the list of issues that the Jamaica Urban Poverty Project would continue until 2002, but no other information was provided as to the duration of the other projects and programmes mentioned. Supplementary information would enable the Committee to get a clearer picture of the

Government's efforts to combat poverty and to know whether those most affected, the overwhelming majority of whom were women, were being targeted.

15. She expressed surprise at the fact that the Bureau of Women's Affairs was also the responsibility of the Minister of Tourism and Sport. Responsibility for two such key portfolios as tourism and the advancement of women placed a tremendous burden on the Minister. She therefore wondered whether, given the magnitude of the work involved and its international obligations the Government had considered setting up a separate unit for women's issues. Noting that a study had been carried out on integrating gender into government policy, she inquired whether a decision had been taken on the institutional mechanisms under which the Commission on Gender and Social Equity was going to work.

16. She urged the Government to integrate a gender perspective in the programmes of every ministry so as to make women protagonists as well as beneficiaries of all government projects. Referring to question 14 of the list of issues, she wondered whether the Gender Monitoring Checklist drawn up by the Jamaica National Preparatory Commission had been replaced by a more updated version. Why had it not been taken into account? She wanted to know what recent awareness-raising measures had been taken to combat bias against women and change deep-rooted traditional cultural views and gender stereotypes. It would be particularly important for the Committee to know what action the Government planned to take from 2001 onwards.

17. **Ms. González** congratulated the Jamaican Government for withdrawing its initial reservation to article 9 of the Convention. Noting that Jamaica had consistently demonstrated the political will to improve and strengthen the status of women and fulfil its international, political and juridical commitments in that regard, she expressed concern that economic, financial and development problems had forced Jamaica to adopt austerity measures. Women, especially women heads of households had suffered the most from those measures. However, despite the difficulties, Jamaican women had managed to thrive, sometimes with considerable assistance from non-governmental organizations that had supported Government proactive policies and programmes. There should now be a better balance in the interaction between Government and civil society, especially non-

governmental organizations. She was curious to know whether the latter had also participated in the preparation of the reports and responses of Jamaica.

18. She welcomed the forthcoming review of legislation aimed at removing discriminatory provisions. On the subject of violence, she shared the concern that incest often went unreported, and commended the programmes undertaken to combat violence in all its forms. Both the periodic report and the Government's responses to the pre-session working group's lists of issues and questions reflected an awareness of the need to tackle the two main aspects of violence against women — gender-based violence in the public arena and domestic violence, which was the root of all violence in society. The non-governmental organizations had played a major part in combating violence, and the emphasis now should be on strengthening governmental action, with particular attention to such matters as sex offences and prostitution, including that of minors. The growth in the tourist trade posed a serious threat in terms of sex tourism and preventive measures were needed.

19. **Ms. Kwaku** expressed continuing concern that under the Constitution, discrimination on grounds of sex, was still not a matter warranting an action in the courts, and inquired about the status of the proposed amendment to that section referred to in Jamaica's responses under article 1. She also wished to know what action the Bureau of Women's Affairs (BWA) was taking to amend or repeal other laws that were acknowledged to be discriminating against women, such as the Women (Employment of) Act 1942.

20. **Ms. Hazelle** said that she, too, hoped that the proposed legislative review would include an amendment to the relevant chapter of the Constitution, particularly if Jamaica was to consider signing and ratifying the Optional Protocol. She sought clarification of the statement that the majority of poor households were headed by males, which seemed unusual in the subregional context, and noted the omission of table 1.3 in that connection.

21. With reference to the Employment (Equal Pay for Men and Women) Act and the Maternity Leave Act, she asked what fines were assessed for infringements of their provisions, and whether they were large enough to act as a deterrent. The fact that no challenges had been reported might possibly be ascribed to fear of reprisal from employers. She would welcome figures

on the number of cases considered under the mediation procedure concerning complaints of infringements of the Employment Act. She wondered whether any action had been taken to ensure that rural women and domestic workers, in particular, were fully aware of their entitlements under those acts, and to what extent the Bureau of Women's Affairs assisted the Jamaica Household Workers Association in raising awareness among domestic workers. Further clarification was needed of the difference between the maternity leave to which domestic workers were entitled and the maternity allowance payable to them under the National Insurance Scheme.

22. Some information was needed on Jamaica's Free Trade Zone, particularly whether the Bureau of Women's Affairs monitored labour market conditions there and conducted awareness and training activities concerning such issues as women's employment, health and domestic violence. She would like to know whether firms in the Free Trade Zone imported non-national workers who enjoyed the same employment protection as nationals and whether their working conditions were monitored. Was there a specific social security regime and, if so, to what extent were domestic workers covered?

23. Referring to the Passport Regulations Act, she expressed concern about the practice that prohibited a married woman from acquiring a passport in her own name unless she could prove that it was necessary for professional purposes, in which case her name would be followed by "wife of ...". She asked whether that requirement also applied to men, and hoped that the matter would be looked into in the course of the legislative review.

24. It would be of interest to know in what way the Bureau of Women's Affairs was involved in the Gender Management System set up within the Ministry of Health and to what extent other government departments and non-governmental organizations were involved in the Gender Management System programme. She wanted to know what were the shortcomings of the Domestic Violence Act mentioned in the response to question 8, and whether they were to be corrected in the legislative review. She applauded the inclusion of stalking in the provisions of the 1996 Domestic Violence Act. She wondered whether Jamaica was considering ratification of the Organization of American States (OAS) Inter-American Convention on the Prevention, Punishment

and Eradication of Violence against Women. Articles 7 and 8 of that Convention and their incorporation into domestic legislation might also usefully be considered in the course of the forthcoming legislative review. In that connection, she noted with interest the ongoing Inter-Agency Campaign against Violence against Women and Girls spearheaded by the Bureau of Women's Affairs. She asked whether the campaign to sensitize members of the judiciary on issues of violence had had an impact, whether there were any cases to report and whether there were any plans to organize further campaigns, for example among police officers. It would be of interest to know whether BWA staff had attended subregional training seminars for police officers, social workers and education and health personnel.

25. Violence, such as statutory rape and incest, continued to cause concern. She welcomed BWA's initiative in publishing an educational video on incest, but asked why none of the reported cases of incest had been cleared up. She asked what support BWA was giving to non-governmental organizations for their cooperation in combating violence.

26. With reference to the replies to question 10, she asked what recommendations had been made by the Steering Committee, whether the Commission on Gender and Social Equity had now been established and, if so, how it functioned and what its relationship was to BWA. Finally, she asked for a copy of the gender monitoring checklist, referred to in the response to question 14, which had been omitted from the appendix.

27. **The Chairperson**, speaking in her personal capacity, lauded the advances made in women's health, but asked why fewer women were now taking advantage of antenatal and post-natal facilities. It was of great interest to see that 30 per cent of senior management positions were now held by women. On the subject of HIV/AIDS, she asked whether the female condom was affordable by all women; they should be no more expensive than male condoms. On account of the feminization of poverty in many countries, it was not uncommon for parents to encourage their daughters to augment the family income through prostitution. Since the Bureau of Women's Affairs came under the Ministry of Tourism and Sport, and in view of the connection between tourism and prostitution, she recommended that not only girls, but parents should be targeted in programmes to combat prostitution. She,

too, hoped that mechanisms were in place in the Free Trade Zone to ensure that women had adequate bargaining power and reaped the benefits of technology transfer.

28. **Ms. Schöpp-Schilling** said that she wished to associate herself with the positive comments by other members of the Committee on the implementation of the Convention in Jamaica. She regretted, however, that there was no definition of the term "discrimination against women" in Jamaican legislation. Moreover, while Jamaica had ratified the Convention in 1981, it had yet to adopt legislation explicitly prohibiting discrimination, as required by article 2 of the Convention, or to modify some existing laws that were discriminatory. She asked what accounted for the lack of progress in that area. It could surely not be attributed to financial constraints, since legislative reform, unlike social programmes, was relatively inexpensive to implement. She wondered to what extent the Bureau of Women's Affairs was able to pressure the Government to effect change.

29. She welcomed the proposal to make violations of the constitutional provisions on non-discrimination on grounds of sex subject to prosecution. The Government should also consider incorporating a provision establishing the State's obligation to promote equality of men and women. Such a step would pave the way for the adoption of the temporary special measures envisaged in article 4 of the Convention. She noted, in that connection, that such initiatives as gender-sensitivity training and gender mainstreaming, while welcome, did not constitute temporary special measures. The use in the report and elsewhere of the term "positive discrimination" risked provoking a backlash given the negative connotations of the word "discrimination".

30. She was pleased to note that women occupied 30 per cent of senior decision-making posts in the public sector. It would be interesting to know whether the Government had used quotas to arrive at that figure. The situation was less satisfactory in the private sector, where women occupied only 10 per cent of such posts. If their status was to improve, the Government must offer incentives to private firms to make more effective use of Jamaica's highly educated female population. There was also a need for gender-sensitivity training in trade unions, where women were under-represented in top posts, and it was important that men and women

should be equally represented in Government advisory bodies.

31. She was concerned that Jamaica's non-governmental organizations, which did excellent work, were providing services to women that ought to fall within the purview of the Government. She asked whether those organizations received grants from the Government, both on an institutional and on a project basis, and cautioned against over-reliance on international financial assistance as a source of funds. Lastly, she enquired how many women were employed in the tourism sector, what jobs they did and what their remuneration was.

32. **Ms. Simms** (Jamaica) said that the identification and modification of laws that constituted discrimination against women required strong national institutional machinery, which had been lacking in Jamaica at the time of the Convention's ratification, but was currently being built. The Bureau of Women's Affairs had commissioned a comprehensive gender analysis of all Jamaican legislation, including the Constitution and the laws referred to by Ms. Hazelle and Ms. Kwaku. She emphasized the quality of the process and the participation of women at the grass-roots level, thus establishing an important precedent. A report containing a series of recommendations emerging from the review of the Domestic Violence Act would shortly be submitted to the Cabinet. The OAS Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women was awaiting ratification.

33. The Government took pride in its partnership with non-governmental organizations, including the Jamaica Household Workers Association, which were a valuable source of data on women's issues. Its support for their activities ranged from financial assistance to capacity-building, which was vital for the establishment of effective and democratic civil society organizations.

34. Jamaica had been the first country in the region to ensure that all official statistical data was disaggregated by gender and to publish gender development indicators. There was a need, however, to ensure that the Statistical Institute of Jamaica took more account of the phenomena that affected the subject being measured when deciding what data to gather. The statistical data indicating that a large

number of poor households were headed by males reflected the realities in Jamaica.

35. Jamaican women had to overcome traditional definitions of women's work and role in society. In actual fact, there was a bedrock of resistance to equality of men and women. More public education was needed, particularly to combat inequality within the family.

36. The transfer of responsibility for women's affairs from the Minister of Labour and Social Security to the Minister of Tourism and Sport did not signal a lessening of her Government's commitment to the advancement of women. She regarded the change as an opportunity to forge closer links between the Bureau of Women's Affairs and the tourism sector, in which many women were employed. Already, the Bureau had conducted workshops on sexual harassment for the hotel industry. It was to be hoped that the private sector's concern about the phenomenon would spur the Government to table legislation.

37. The number of workers employed in the Free Trade Zone was declining as companies moved their operations out of Jamaica, although the majority were still women. Workers in the Free Trade Zone were not unionized. The Bureau of Women's Affairs was therefore working with them not only to improve their remuneration, but also on health-related issues. The Government took into account the conditions in which non-national workers would be employed before authorizing their entry into Jamaica for employment in the Free Trade Zone.

38. The National Policy statement on Women had envisaged the conduct of gender-sensitivity training for permanent secretaries and other senior ministry officials, the establishment of inter-ministerial committees on gender mainstreaming and the designation of women's focal points within ministries. Significant resources had been allocated for the implementation of those initiatives, but they had proved to be unsustainable. A critical analysis conducted by the Bureau had shown, inter alia, that many of the persons designated as focal points had lacked the authority to effect real change. The Bureau had decided to try a different approach. As a first step, it had asked the Planning Institute of Jamaica to ensure that gender considerations were reflected in all development projects. It was also working with the Ministry of Health on the Gender Management System

and had established a Committee, with the participation of the Ministry of Finance, to ensure that the resources necessary for the initiative were made available.

39. Non-governmental organizations were involved in all the activities of the Bureau of Women's Affairs. Their representatives served as resource persons in efforts to mobilize women both inside and outside the cities. The collaboration between non-governmental organizations and the Bureau was a true partnership.

40. A Steering Committee had been set up to advise the Government on the establishment of the Commission on Gender and Social Equity.

41. The Bureau of Women's Affairs was carefully considering the problem of sex tourism, in particular Jamaica's so-called "sensuous massage parlors", go-go girls who danced and stripped in nightclubs, and song lyrics that were disrespectful to womanhood. It was concerned not only about its young women, however, but also about its young men, who were also regarded as sex objects. Jamaican women did not want their daughters or their sons to be the victims of sex tourism. The Bureau was committed to ensuring that Jamaica was a country to which tourists would wish to come, and was tackling those issues on a daily basis.

42. The term "quota" could not be used in Jamaica without provoking an ideological backlash. Instead of temporary special measures, the Bureau sought sustainable permanent measures. It believed that progress should not be dependent on personalities, but should be rooted in systemic change. The possibilities for sustained progress were hampered by traditional attitudes towards leaders; the Bureau was endeavouring to instil a sense of leadership in all Jamaican women.

43. **Ms. Livingstone Raday** said that the conviction and energy of the Jamaican delegation was invigorating, and its message was heartening. In her view, however, the legal machinery could and should contribute to the education and empowerment of women and Jamaica's legal system might not be doing all it could to assist activist women and women in Government to realize their goals. She was concerned by the delay in adopting the constitutional law amendment, and other legal provisions, and hoped that the Committee's interest would strengthen the possibility of enacting that legislation.

44. Although efforts to provide support to victims of sexual violence were commendable, she would like to

know whether, and how effectively, sexual offences were brought before the courts, since the prosecution of such crimes functioned as both a deterrent and an educational measure. She asked how many cases of statutory rape and marital violence had been prosecuted and how many had resulted in convictions. The courts should be requested to provide information to the Bureau of Women's Affairs on their handling of cases of sexual violence. She was disturbed by the notion that rape cases were referred to a dispute resolution procedure, and asked whether that meant the rapist would not be prosecuted. Sexual violence was an affront against society, and even if a victim agreed to forgive the act, the perpetrator should be punished.

45. The Jamaican Church supported the patriarchal family, and the notion of women's obedience. The holding of girls liable for consent to incest should be reconsidered in that context.

46. The elimination of sexual violence would also slow the spread of HIV/AIDS. Female condoms should be distributed to stem the spread of illness and to prevent teenage pregnancies.

47. Data on the employment of women was a useful indicator of economic advancement. It would be useful to know the difference between men's and women's pay, under what circumstances employers who violated the Equal Pay for Men and Women Act were subject to fines, what was the amount of such fines, and how many violations had been prosecuted. What was the mediation procedure that obtained when violations were referred to the Ministry of Labour? Did that procedure rule out prosecution?

48. She would also like to know whether there were legal measures to be taken to halt sexual harassment in the workplace, even where there was no specific law, and whether Jamaica intended to formulate such a law to strengthen prevention of harassment and protection of victims.

49. It would be useful to know how many women held positions of responsibility in the labour force, and how many were managers. Had measures been envisaged to narrow the wide discrepancy between the number of women law students, and the number of women who succeeded in the legal profession? In addition, she would like to know whether women working in the Free Trade Zones were unionized, and whether the Government carried out inspections in those areas.

50. Since the Church was pressing for a return to patriarchal values, a legal framework should be established to protect women in the family. It was vital to adopt the Family Property Bill, which would give women the right to a share in the matrimonial property, and which had been under consideration for many years. Lastly, she said that the punishment of life imprisonment for abortion should be reconsidered, in particular since recourse to illegal abortion contributed to higher death rates.

51. **Ms. Regazzoli** inquired whether Jamaica had considered creating multidisciplinary teams, including women police officers, a lawyer, a legal adviser, a medical adviser, a social worker and a psychologist, to handle cases of sexual and domestic violence, and whether shelters existed for women and children who had to be removed from the home. She wondered whether the Jamaican Government envisaged setting up free telephone hotlines for reporting violent acts. Unfortunately, one of the family social patterns that was passed down through the generations was wife-beating; men were simply repeating actions they had witnessed in childhood.

52. She praised the Jamaican Government for its efforts to grapple with the difficult demands of structural adjustment, and inquired whether and by what means rural women had access to credit for the purchase of land and raw materials and whether legal structures had been established to facilitate that process. Did the Bureau of Women's Affairs envisage undertaking programmes to eliminate all forms of discrimination against such women? Finally, she would like to know in what way such loans had changed the lives of women who had received them.

53. **Ms. Taveres Da Silva** inquired what measures had been taken to provide women with real tools with which to fight for their rights and to lodge complaints when necessary. She would also like to know why the impressive educational achievements of women were not matched by corresponding success in the labour market; whether measures had been taken to raise awareness among the general public, in particular men, about teenage pregnancy; and what measures, if any, had been taken to discourage older men from engaging young women in sexual activities against their wishes.

54. Jamaican women and Jamaican women's groups appeared to be gaining clout, but in real terms much remained to be done. Working together, the

Government and the women's movement should be able to build gender equality in Jamaican society.

The meeting rose at 1 p.m.