



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Concluding observations of the Human Rights Committee on  
the third periodic report of Jamaica, adopted by the  
Committee at its 103rd session (17 October–4 November  
2011)**

Addendum

**Information received from Jamaica on the implementation of  
the concluding observations of the Committee\***

[16 November 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## **Introduction**

1. Paragraph 23 of the Concluding Observations of the Human Rights Committee states that the State party shall provide within one year, relevant information on its implementation of the Committee's Recommendation made in paragraphs 8, 16 and 23.

### **Reply to the issues raised in paragraph 8 of the concluding observations (CCPR/C/JAM/CO/3)**

2. The Government of Jamaica is opposed to discrimination or violence against all individuals whether this is for reasons of gender, sexual preference or for other reasons. Further, all citizens have equal access to the law and the justice system. These rights were further reinforced with the amendment to Chapter III of the Constitution with a more comprehensive Charter of Fundamental Rights and Freedoms in April 2011. Of note is the fact that all citizens have the right to equality before the law; the right to freedom from discrimination on the ground of being male or female; race, place of origin, social class, colour, religion or political opinions.

3. The Jamaica Constabulary Force (JCF) has developed a Diversity Policy which came into effect on 25 August 2011. The Policy guides members of the police force in their professional dealings with persons of minority groups, including lesbians, gays and transgender. There is also on-going collaboration with the police and members of the LGBT community as it relates to the training and sensitization of police officers.

4. Efforts continue to be made to foster tolerance and respect for every citizen and to promote a culture of non-violence in general. As part of these efforts, the Government of Jamaica, in conjunction with the United Nations Children's Fund (UNICEF), is in the process of launching an Anti-Bullying Initiative in schools and communities, with a view to identifying the underlying factors that contribute to the rate of bullying in schools and communities and determining its prevalence within school and community spaces. The ultimate aim of the Initiative is to develop a Peer Abuse (Bullying) Prevention Programme. The final Project Funding Proposal is being prepared for submission to UNICEF for final review and approval.

### **Reply to the issues raised in paragraph 16 of the concluding observations**

5. As part of efforts to ensure that allegations of extra judicial killings are investigated in a prompt and effective manner, the Independent Commission of Investigations (INDECOM) was established in 2010. Since its establishment, there has been an increase in the Commission's budget from 86.4 million Jamaican dollars for the 2010/2011 financial year to 288million Jamaican dollars for the 2011/2012 financial year. There has also been an increase in the staff complement from twenty eight (28) staff members in August 2010 to eighty (80) as at 30th October 2012. Also of note is the fact that the Commission, which commenced operations with one Office in Kingston (the Capital), now has two additional offices in the parishes of St James (Western Regional Office), and Manchester (Central Regional Office). While the Government remains committed to providing adequate resources to the Commission, fiscal constraints remain a major obstacle towards this endeavour. The Government is, therefore, appreciative of the assistance received from the UK Department for International Development (DFID), which provided 1.5 million pounds to enhance the Commission's capacity to carry out investigations. The amount will be disbursed over a three year period which began in June 2012. With the funds from DFID, the Commission has procured a comparison microscope, engaged a ballistic expert and retrofitted an in-house laboratory. Further, the funds will also be used to facilitate the training of staff members in the area of investigative skills, techniques and management. Such training is expected to commence in the near future with the Management Institute for National Development (MIND) [Jamaica] in conjunction with the University of Portsmouth, [UK].

6. In addition to investigation, efforts are continuing to strengthen the prosecutorial arm of the Justice System with a view to ensuring that it is able to discharge its duties in a more efficient and effective manner. In a bid to prevent impunity, the Government continues to take measures to ensure that police officers who are implicated in extrajudicial killings and who have fled the country are extradited to answer charges. In this regard, a Police Constable was recently extradited on 15th June 2012 to face charges for murder. In terms of convictions, it should be noted that former police Constable Rushon Hamilton was found guilty for the murder of the 14 year old girl in October 2008. The guilty verdict was handed down by a twelve member jury on 25th October 2011.

7. Further, the Use of Force Policy continues to guide the Jamaica Constabulary Force (JCF) in its interaction with the public.

**Reply to the issues raised in paragraph 23 of the concluding observations**

8. Every effort is being made to prevent overcrowding in prisons and detention facilities. These include the opening of a low risk hostel for males opposite the Tower Street Adult Correctional Centre with the capacity to house 40 males and the transfer of lower-risk inmates from high security institutions to lower risk security institutions which are under-populated such as the Tamarind Farm and Richmond Farm Facilities and New Broughton for older inmates. A major challenge, however, is the fact that many of the prisoners are classified as high risk and therefore, cannot be transferred to some of the lower risk facilities. In this regard, the Government continues to explore options vis-à-vis the construction of new prisons. It should, nevertheless, be pointed out that the Government's ability to undertake these initiatives may be constrained in the short-term by the severe economic and financial condition facing the country.

9. There already exists a system whereby accused persons are separated from convicted persons. Of note is the fact that accused persons are housed at the Horizon Remand Centre or in police lock-ups until bailed or convicted. Male convicted persons are housed at the following correctional facilities: Tower Street, St. Catherine, Richmond Farm, Tamarind Farm and New Broughton. Adult Female convicted persons are housed at Fort Augusta. Girls on remand and on correctional order are also housed at Fort Augusta in separate sleeping quarters. Plans are afoot to relocate both sets of population to the South Camp Road Facility following the sale of the property at Fort Augusta. The Government, despite limited financial resources, is in the process of renovating the South Camp Road Facility with a view to ensuring the girls and women do not share common space at the Facility. Efforts continue to be made to work towards establishing correctional and remand centres for girls. Boys continue to be housed at the Metcalf Street remand centre. In a bid to reduce the length of time that children are held in police lock-ups, greater efforts are being made to have children matters heard in Resident Magistrate Court in camera, if the children's court is not in session. This is to ensure the issuance of a remand order as soon as possible after arrest. Efforts also continue to be made to implement the National Plan of Action on Child Justice (2010-2014) which is a multi-sectoral response to the needs of children in conflict with the law as well as those in need of care and protection. The Plan also provides for a review of sentencing options for children. A major challenge for its implementation, however, is a lack of resources.

10. The Government continues to work towards sensitizing the judiciary as it relates to imposing alternative and non-custodial sentences with a view to stemming overcrowding in prison and detention facilities. These include Probation Orders, Suspended Sentence Orders and Community Service Orders. In addition, a review of parole system was conducted in 2011 and the recommendations are being considered by the Government of Jamaica.