

BUREAU OF WOMEN'S AFFAIRS JAMAICA
REPORT TO THE TENTH SESSION OF THE REGIONAL CONFERENCE ON
WOMEN IN LATIN AMERICA AND THE CARIBBEAN
QUITO, EQUADOR AUGUST 6-9, 2007

The Government of Jamaica is committed to addressing all forms of discrimination against women and girls and through the Bureau of Women's Affairs, continues advocacy efforts to support human rights initiatives in order to attain gender equality goals. The Government's programmes and policies in this regard are guided by the principles of specific international charters relating to women/gender issues. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals and the Mexico Consensus of 2004 among others.

In this regard, over the last two years the Government of Jamaica has implemented programmes and policies to address legal reform issues, gender based violence, poverty, HIV/AIDS and gender mainstreaming initiatives, with strong technical and financial support from UNIFEM, UNFPA and UNECLAC.

Legislative Agenda/Legal Reform

The Government has continued to focus on the legislative agenda in order to achieve some of the objectives. The Bureau continued to support advocacy efforts for the amendments of gender-biased laws to ensure that women receive adequate protection under the law. Since adopting the Mexico Consensus discussions and amendments to various laws have taken place. These are as follows:

- **The Property (Rights of Spouses) Act, 2004** introduced new statutory rules to provide for the equitable division of property between spouses upon the breakdown of a marriage or a common law relationship after five (5) years. The Act is gender neutral and will benefit women in its practical application, as the deficiencies under the old law which placed women at a disadvantage in proving entitlement to property have been removed. It should be noted that efforts are being made by the Government to measure unpaid work as this new Act gives clear recognition to the contribution of a spouse by the performance of unpaid domestic work. It also recognizes the contribution of women in relation to childcare and home duties. The Act also indicates that there should be no presumption that monetary contribution is of greater value than non-monetary contribution.
- **The Maintenance Act, 2005** makes provision for maintenance within the family and confers equal rights and obligations on spouses with respect to the support of each other and their children. The Act is a companion Act to the Property (Rights of Spouses) Act where "spouse" is similarly defined to include a *de facto* (common law) spouse.
- **The Domestic Violence (Amendment) Act, 2004** provides for enhanced protection for victims of domestic violence and abuse and applies to both spouses and *de facto* (common law) spouses. The Act also now makes provision for persons in visiting relationships. The definition of a child in this Act has also been broadened.
- Amendments to the **Offences Against the Person and the Incest (Punishment) Acts** were debated extensively at the recently concluded Joint Select Committee of Parliament with submissions being made by the Bureau of Women's Affairs, women's NGOs and

other relevant stakeholders. Some of the issues discussed included making rape a gender-neutral offence, the removal of the requirement of corroboration warning in sexual offences cases, the removal of the use of archaic language concerning the defilement of women and mentally challenged persons, the broadening of the definition of rape to include other body orifices as well as the use of objects other than the penis. Under the Incest (Punishment) Act recommendations were made to widen the category of offenders to include stepfathers (step relationships) and persons in loco parentis relationships.

Arising out of the deliberations in Parliament, the recommendation has been put forward to merge all legislation relating to sexual offences into a single Sexual Offences legislation, for greater ease of reference.

The Child Care and Protection Act, 2004 has been put in place to address cases of child abuse and makes provision for mandatory reporting and the appointment of a Child Advocate and a Children's Registry.

A Draft **Sexual Harassment Policy** has also been finalized paving the way for enactment of legislation in this area.

The Ministry of Justice has also developed a **Victims Charter**, which has been subject to extensive public discussion. The objective of the Charter is to ensure that victims are treated with dignity, respect and fairness throughout the various stages of the justice system.

In addition, a draft Bill is in place, which will allow for amendment of the Evidence Act to permit the taking of testimony of "vulnerable witnesses" by means of live television links. These measures are part of the efforts by Government to afford greater accommodation and protection to vulnerable witnesses, many of them women and children who are often victims of violence and sexual abuse.

National Gender Policy/Gender Mainstreaming

A Gender Advisory Committee was established to oversee the development of the National Gender Policy. One of the main objectives of the Gender Advisory Committee was to assist the Government in advancing a dual strategy towards the achievement of gender equality and the enhancement of the position of women and men. The National Gender Policy when completed will allow for more effective gender mainstreaming, as implementation of the policy will allow for a multi-sectoral approach. Already the Bureau of Women's Affairs has embarked on a path in keeping with the Mexico Consensus to ensure the development of gender indicators and the collection of sex disaggregated data in all public sector bodies so as to adequately inform policy design and development. In this regard efforts are being made to put in place gender focal points in each Ministry of Government to realize this goal.

Gender-Based Violence and Trafficking in Persons (TIP) Workshops

The Government of Jamaica continues to take steps to promote the human rights of women and to eliminate all forms of violence against women and girls. Ongoing public education, training and sensitization to various publics to address deeply entrenched stereotypical views regarding issues of power relations and masculinity as it relates to gender-based violence, continue to be areas of emphasis. The Bureau of Women's Affairs has in place an active public education

programme, which includes workshops, seminars, public addresses and discussions, and dissemination of information through electronic and print media. The target group includes the justice system, schools, communities, churches, other selected groupings and other areas of civil society.

Human trafficking is a form of gender-based violence and the Government of Jamaica has instituted several measures to address the issue. A National Task Force Against Trafficking in Persons is in place and there is a national multi-sectoral effort involving the State and non-State actors towards the elimination of Trafficking in Persons. The efforts include a National Plan of Action, the enactment of the **Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007**.

In an effort to end violence against women several national efforts have been undertaken. These include amendments to the existing Domestic Violence Act as mentioned earlier and several public education sessions conducted by the Bureau of Women's Affairs and women's NGO's.

Poverty/Rural Women

Poverty continues to be a serious challenge for women. In 2004 just over fifty percent of the J\$32 million paid out via government assistance programmes was paid out to women. Of the total benefits disbursed by the Programme for Advancement through Health and Education (PATH), approximately 90% of the beneficiaries were women (PATH Report, 2004).

In order to address issues of poverty among women and to improve the lives of rural women, the Bureau has been working with some rural women who are engaged in various productive activities in order to assist them to find new and innovative means of livelihood, develop market strategies, promote their products on the local and regional markets as well as increase their earnings. Several women/women's groups have benefited from the Bureau's initiatives.

Labour

Women's employment rate in Jamaica is much higher than what it was ten or even five years ago. Though women's employment rate has increased over a ten-year period, recent data suggests that it is now on the decline. In addition to this women are by and large, confined to jobs that perpetuate the cultural belief that they perform best in jobs that utilize their caring and nurturing skills. These jobs are further categorized as low paying jobs that do not improve the economic status of their holders. Also important to note is that, compared to men, women have a higher rate of unemployment, roughly twice that of men..

Efforts to address HIV/AIDS

Summary of the Achievements of the National HIV/AIDS Programme – 2002- 2007

Some of the initiatives pursued the Government of Jamaica to implement the Mexico Consensus entailed the following:

Stigma Reduction, Human Rights and Policy

The national anti-stigma campaign provides a profile on People Living with HIV/AIDS (PLWHA) in order to bring a face to the AIDS epidemic. More pro-active measures are being taken to reduce discrimination against PLWHA including legislation. The activities include:

- Continued national anti-stigma campaign to provide information on the disease as well as prevention strategies and access to treatment;
- The integration of stigma reduction campaigns into all activities related to PLWHA;
- Cabinet submission proposing HIV/AIDS legislation;
- Monitoring of acts of discrimination. Reports, intervention and advocacy efforts coordinated by the Jamaica Network of Seropositives (JN+) [A network org. for support of PLWHA. Services include resource mobilization, coordination of HIV & AIDS related activities & capacity building for PLWHA to advocate for the rights and concerns of PLWHA and persons affected by HIV & AIDS, through partnership, empowerment and resource mobilization. The vision is to achieve acceptance, recognition and full integration for PLWHA as members of the Jamaican society];
- HIV/AIDS workplace and sector policies have been designed using the ILO Workplace Policy as a guideline to cater to nuances regarding the rights of employees and employers. To date policies have been created and adopted by many line ministries and public sector organizations.

Strengthen the Multi-Sectoral Response

- Plans are ongoing to establish a single national authority with overall responsibility for leading and managing the national response to HIV/AIDS and strengthen the National AIDS Committee (NAC) [The partnership forum and advocacy arm for the national response] and the Country Coordinating Mechanism (CCM) [The coordinating body for the Jamaica's response to the HIV/AIDS pandemic];
- The establishment of HIV/AIDS Focal points and sustain programmes in all line ministries and sectors;
- The support of civil society organizations, non-governmental orgs. & faith-based organizations (NGO's/FBO's) to conduct sustainable HIV/AIDS programmes and activities.

Planning and Coordination

- The development of a national HIV strategic plan with the goal of providing universal access to HIV prevention, treatment and care;
- A comprehensive monitoring and evaluation system in the Ministry of Health to strengthen HIV/AIDS/STI planning and coordination in a strategic manner;
- Harmonization of the support of the UN and other agencies such as the Global Fund, UNFPA and others to provide financial support for activities related to HIV/AIDS.

Capacity Building and Sustainability

The National Strategic Plan pointed to the need to undertake and sustain a multi-sectoral response to HIV/AIDS and STI's. This has resulted in:

- The establishment of an AIDS Division in the Ministry of Health as the National Authority for HIV/AIDS in Jamaica;
- The present project coordination unit within the AIDS Division of the Ministry of Health;
- The establishment of funds for HIV/AIDS in the GOJ recurrent budget;
- Completion of a timely implementation of the World Bank project to assist vulnerable women and children and other groups at risk of contracting the disease;

Expansion of HIV Rapid Testing

There was a significant expansion of HIV testing to identify persons living with HIV/AIDS so as to achieve universal access to Anti-Retroviral (ARV) treatment. It also serves as an entry point for individual risk reduction behaviour and allows for referral for medical assessment.

Furthermore, there has been outreach testing of Men Having Sex with Men (MSM), Commercial Sex Workers (CSW) and other clients.

Universal Access to ARV Treatment

People Living with HIV/AIDS (PLWHA) are allowed to access ARV Treatment once their CD4 count falls below three hundred and fifty (350). All pregnant women are put on ARV triple therapy as soon as they are twenty eight (28) weeks pregnant. Other achievements include:

- The integration of ARV Treatment into health services;
- Ensuring the Prevention of Mother to Child Transmission (PMTCT);
- The registration of all persons on ARV therapy, with the National Health Fund (NHF);
- Ensure use of National Health Fund (NHF) cards to access ARV's;
- Develop and pilot an electronic medical record.

Expanding the Scope, Coverage and Quality of Prevention

- Expansion has been effected to make special provision for social vulnerability, gender roles and the socio-cultural dimensions of HIV/AIDS as well as the provision of risk reduction/behaviour change intervention strategies for youth including the development of appropriate attitudes, values and skills and the building of self esteem and negotiation skills;
- The targeting of youth and young adults through comprehensive programmes and activities including development of a strategy and tools to promote abstinence as well as improving condom access and skills in usage;
- The support of a comprehensive HIV/AIDS response in the education sector including the review of the Health and Family Life Education Programme (HFLE);
- Spreading the message of responsible sexual behaviours and attitudes through public media campaigns.

International and Regional Commitments

In seeking to fulfil its mandate and in order to meet reporting requirements, the Bureau continues to collaborate and network with other international and regional bodies. The Government of Jamaica was commended for its efforts consistent with its CEDAW obligations but areas of concern for further action were highlighted. These include sharing/reporting concluding remarks of CEDAW Committee with women's NGOs and other stakeholders and to seek to put measures in place to implement recommendations.

The Bureau of Women's Affairs continues to ensure that the Government of Jamaica honours its obligations under the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Arising from this, between June 26-30 the BWA was instrumental in organizing and coordinating the visit of a team from United Nations Development Fund for Women (UNIFEM) in its advocacy tour on the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) held in June 2006. The advocacy tour to Jamaica formed part of a regional campaign to promote the Optional Protocol

and also to have the country ratify the Protocol. The Hon. Prime Minister gave her commitment to the signing of this Protocol which is now being finalized for ratification.

Political Participation/Power and Decision-Making

Although in the Jamaican situation, females continue to achieve higher levels of performance in the academic sphere, this does not necessarily translate into positions of power and decision-making. Gender disparity in representational politics is quite pronounced in the Jamaican experience. Although since February 2006 a female Prime Minister was appointed, Parliament and Local Government are essentially male dominated. Within the sixty-member House of Representatives, there are fifty-three males (88.3% of total) and seven females (11.7% of total). The twenty-one-member upper house (Senate) has sixteen males (76.2% of total) and five females (23.8% of total), while in the Cabinet there are only three females (21.4% of total Cabinet membership) and eleven males (78.4% of total).

The upcoming 2007 general elections points to a continuation of this trend in relation to low female-candidate involvement in the two major political parties. The People's National Party (PNP) has fielded only ten (10) female candidates as compared to fifty (50) males while the Jamaica Labour Party (JLP) has fielded only seven (7) female candidates as against their fifty-three (53) male candidates. It is obvious from these figures that are still too few women being put forward for representational politics.

There is a tendency for the dominant political parties to have a slow turnover rate for candidates. Given that approach, and traditional male dominance, there have been limited inroads for new candidates, with the effect that female representation remains relatively low to date. Discussions with the Bureau of Women's Affairs and the Jamaica Women's Political Caucus, a non-partisan women's NGO group, concerning the implementation of a quota system to enhance women's participation in the political arena, have taken place. The discussions revealed that the Westminster model of government practiced by Jamaica was not particularly conducive to a quota system and that constitutional reform would have to be undertaken to facilitate such a system. In the meantime it was suggested that the individual political parties be sensitised to the need for gender parity in representational politics and of their own accord make informed decisions on this issue to encourage, support and put forward more females candidates for political representation.

There continues to be serious under-representation of women at the level of local government. An analysis of the 1990, 1998 and 2001 local government elections revealed that female participation in this area is substantially lower than that of men. In 1990, fifteen percent (15%) of the total participants were women. This increased by eight (8) percentage points to twenty three percent (23%) in 1998 but with a reversal to nineteen percent (19%) in 2001.

Unpaid Work performed by Women in Jamaica

National statistics in Jamaica do not presently incorporate women's unpaid domestic work. The Jamaica Human Development Report of 2000 highlighted research conducted in 1999 on social reproduction in Jamaica and gave some insight as to the contribution of women in this area and revealed the following:

- There are many roles played by women in social reproduction which are not market-oriented and consequently do not appear in national statistics. This includes the bulk of household and voluntary/community work

- The outputs and outcomes associated with these activities redound to the benefit of family, the community and the country as a whole and make an important contribution to national development
- Unpaid unrecognised activities are more numerous in low-income households where any addition to output impacts greatly on the welfare of the family in terms of meeting the basic needs of the family
- The inability to measure and assign a value to those economic activities not only prevents an accurate assessment of output, but also contributes to the low value placed by societies on these activities
- The non-monetary contribution of women is undervalued in economic terms and in terms of their inherent human value
- The non-monetary activities performed by some women have an intrinsic use or human value which is not captured by its value for exchange.

The Property (Right of Spouses) Act, 2004 mentioned earlier is a new piece of legislation that will recognize women's unpaid work in the home.

In conclusion, the Government of Jamaica re-affirms its commitment to gender parity, social protection and gender equality goals.

*Prepared by the
Bureau of Women's Affairs Jamaica
August 2007*