



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Combined third and fourth periodic reports submitted by  
States parties under articles 16 and 17 of the Covenant**

**Jamaica\***

[6 January 2010]

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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 before being sent to the United Nations translation services.

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## I. Introduction

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Jamaica hereby submits to the Secretary-General of the United Nations, for consideration by the Committee on Economic, Social and Cultural Rights, its combined third and fourth periodic reports on the implementation of the specific rights provided for under articles 6 to 15 of the Covenant. With respect to the general provisions of the Covenant (arts 1 to 5), please see also information in Jamaica's combined third and fourth periodic reports to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights.

2. The report seeks to address the suggestions and recommendations emanating from the concluding observations on Jamaica's Second Periodic Report as well as the related issues outlined in the Guidelines on Treaty-Specific Documents to be submitted by States Parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights contained in document E/C.12/2008/2 dated 24 March 2009.

## II. General overview: Socio-economic situation in Jamaica

3. Jamaica is a small-island developing State with a population of approximately 2.7 million, with an average annual growth rate of 0.5 per cent. Adult literacy stands at 86 per cent (2007) and there is a life expectancy of approximately 72 years. It is also considered a lower-middle-income developing country and is the largest English-speaking island in the Caribbean.

4. The country has a long tradition of stable two-party democracy and has made considerable progress towards meeting international standards in a number of key social indicators, including the achievement of high life expectancy, near universal enrolment in primary and secondary education, and widespread access to potable water.

5. Jamaica is extremely vulnerable to external shocks as evidenced by the severe impact which the current global economic crisis has had on its social and economic development. In particular, the Jamaican economy has experienced a decline in production and demand for goods and services, with Gross Domestic Product falling by 0.6 per cent in real terms in 2008. Similarly, for the period July to September 2009, real GDP is estimated to have contracted by 3.1 per cent relative to the period from July to September 2008. In addition, remittance inflows for January to September 2009 — a major source of foreign exchange — amounted to US\$ 1312.3 million, down 14.9 per cent relative to the corresponding period of 2008.

6. The unfolding situation also has negative implications for the advancement of the country's social development agenda as well as for the timely achievement of the Millennium Development Goals (MDGs). Development efforts have also been constrained by a series of natural disasters including hurricanes which severely impacted the island in 2001, 2004, 2005 and 2007. The country also continues to grapple with social challenges arising, inter alia, from high rates of violent crime.

7. For more general information concerning the demographic, social, economic and political situation of Jamaica, the Committee may refer to the 2008 Economic and Social Survey prepared by the Planning Institute of Jamaica. Additional information can also be gleaned from the National Report of Jamaica for the 2009 Annual Ministerial Review of the United Nations Economic and Social Council on *Progress Towards the Achievement of the Internationally Agreed Development Goals, including the MDGs*.

### III. Specific rights of the Covenant

#### Article 6

##### Right to work

8. While there does not exist in Jamaica any specific law dealing with the right to work, there are no legislative provisions that restrict access to employment or discriminate against persons seeking employment.

##### Trends in employment and unemployment

9. The Labour Force Data (table 1) shows that the size of the labour force fluctuated between 2002 and 2007, with the 2007 figure being approximately 2.7 per cent higher than in 2002. In 2007, the number of employed persons was 1,136,900, having increased by approximately 9.7 per cent compared with 2002. Employment was higher among males throughout the entire period, accounting for an average of 57.9 per cent over the period. Adults (aged 25 years and older) accounted for an average of 85.3 per cent employment, compared with the 14–24 age cohort. Adult employment ranged from a low of 878,800 persons in 2002 to a high of 970,900 in 2007, while employed youths (aged 14–24 years) increased to 166,000 in 2007 from 158,000 in 2002. ‘Older workers’ (aged 45 years and over), increased to 364,600 in 2007, from 312,200 in 2002. The labour force participation rate decreased by 1.4 percentage points over the period to 64.4 in 2007.

10. Approximately 124,500 persons were unemployed in 2007, representing a 27.4 per cent decline in comparison with 2002. There was a trend of decline in the unemployment rate, with the annual average unemployment rate in 2007 (9.9 per cent) being the lowest ever recorded in the nation’s history. Unemployment was higher among the younger persons in the labour force throughout the period (See table 2).

11. It should be noted, however, that employment and unemployment rates have fluctuated in the aftermath of the global economic and financial crisis. The unemployment rate has risen to 11.3 per cent for July 2009, compared with 10.2 per cent in July 2008. The total labour force as at July 2009 is 1,273,700, a decline of 26,700 compared with July 2008. Total employed labour force as at July 2009 was 1,129,600, a decline of 38,600 persons compared with July 2008.

12. Unemployment among females and youths continues to be a major issue of concern in the labour market, as these two groups demonstrated consistently high rates of unemployment. Females and youths, along with persons with disabilities, continue to be among the most vulnerable groups in the labour market.

13. There is no readily available information on labour force trends in relation to employment for persons with disabilities. It should be noted, however, that since 2008 the Government has provided J\$ 15 million to assist disabled persons to become more self-sufficient. As part of this initiative, the *Economic Enablement Project* was launched in 2008 to assist persons with disabilities in establishing their own businesses. To date, over 250 persons have benefited from the Project. It is also expected that the specific concerns of persons with disabilities will be further advanced through the *National Disabilities Rights Bill* that is currently being reviewed. The Bill has its contextual base in the *National Policy for Persons with Disabilities* which was developed in 2000 and which seeks to foster an enabling environment so that persons with disabilities can realize their full potential through employment and training.

14. In an effort to boost productivity, the Jamaica Productivity Centre (JPC) was established in April 2003. This organization was born out of a tripartite collaboration

between the Government, the Jamaica Confederation of Trade Unions (JCTU) and the Jamaica Employers' Federation (JEF). The JPC has as its mandate the enhancement of productivity and competitiveness in the Jamaican economy by leading the process of transformation to a productivity-oriented culture in Jamaica.

15. Among other things, the JPC has been developing systems and programmes to promote productivity in the workplace. These include productivity audits; promoting productivity-linked wage systems; promoting a measurement culture; assistance in productivity measurement and benchmarking; waste reduction management; process improvements and designs; organizational analysis; worker and management training; and research for policy analysis.

Table 1  
**Main labour force indicators by gender, 2002–2007**

Main indicators	Annual average					
	2002	2003	2004	2005	2006	2007
<i>Both sexes</i>						
Population 14 years and over	1 837 900	1 846 900	1 857 900	1 905 800	1 936 400	1 886 750
Labour force	1 208 200	1 189 700	1 194 800	1 223 100	1 253 100	1 261 300
Employed labour force	1 036 800	1 054 100	1 055 200	1 085 800	1 123 700	1 136 900
Unemployed labour force	171 500	135 600	139 600	137 400	129 400	124 500
Unemployment rate (%)	14.2	11.4	11.7	11.2	10.3	9.9
Labour force participation rate	65.8	64.4	64.3	64.2	64.7	64.4
<i>Male</i>						
Population 14 years and over	895 200	899 600	905 000	930 000	945 900	950 600
Labour force	668 000	663 300	663 500	681 500	695 600	699 100
Employed labour force	602 200	611 700	610 900	629 600	646 800	656 100
Unemployed labour force	65 800	51 600	52 600	52 000	48 800	43 100
Unemployment rate (%)	9.9	7.8	7.9	7.6	7.0	7.6
Labour force participation rate	74.7	73.7	73.3	73.3	73.5	73.5
<i>Female</i>						
Population 14 years and over	942 700	947 300	952 900	975 900	990 500	995 500
Labour force	540 200	526 400	531 300	541 600	557 500	562 200
Employed labour force	434 600	442 400	444 300	456 200	476 900	454 950
Unemployed labour force	105 700	84 000	87 000	85 400	80 600	84 250
Unemployment rate (%)	19.6	16.0	16.4	15.8	14.5	15.7
Labour force participation rate	57.3	55.6	55.8	55.5	56.3	55.8

Source: Statistical Institute of Jamaica (STATIN).

Note: Discrepancies due to rounding.

Table 2  
**Unemployment rates by age group, 2002–2007 (per cent)**

Age group	2002	2003	2004	2005	2006	2007
<b>Total</b>	<b>14.2</b>	<b>11.4</b>	<b>11.7</b>	<b>11.2</b>	<b>9.7</b>	<b>9.5</b>

Age group	2002	2003	2004	2005	2006	2007
14–19	43.2	38.1	38.6	36.5	35.5	30.9
20–24	26.5	21.7	22.7	22.6	20.1	21.2
25–34	13.9	12.5	12.1	11.8	10.3	10.4
35–44	9.6	8.0	8.5	8.3	6.6	6.5
45–54	8.3	5.1	6.0	5.6	5.4	4.3
55–64	6.4	4.4	4.9	4.2	4.3	2.8
65 and over	4.4	3.1	3.2	3.0	1.8	1.7

Source: Statistical Institute of Jamaica (STATIN).

### Measures to address female and youth unemployment

16. In an effort to increase female employment and address the concern raised by the Committee in respect of the disproportion in the levels of unemployment of women, special attention is being given to supporting businesses led and dominated by women in micro-economic enterprises through the strengthening and enhancement of skills in management, marketing, finance, product development, e-commerce and customer service.

17. Research also shows that most women in management positions in both the public and private sectors are clustered in the middle-management category and that females are still under-represented in top positions, including Cabinet positions and on the Boards of Companies. To this end, steps are being taken through research on governance and educational reform to address certain underlying factors, including prevailing social and cultural attitudes that contribute to the under-representation of women in high paying occupations and professions. Recently, the Government, in collaboration with the United Nations Democracy Fund, launched a project entitled *Strengthening Women's Leadership in Jamaica*. This is a training programme geared towards increasing, improving and consolidating the presence and influence of women serving on boards and commissions in Jamaica. It is a collaborative initiative involving the Bureau of Women's Affairs, the Institute of Gender and Development Studies, the Jamaica Women's Political Caucus and the corporate governance committee of the Private Sector Organization of Jamaica. The project will provide training for 100 women for leadership on Public and Private Sector Boards and Commissions; train 15 women at the grass-roots level to be community facilitators and to educate persons about the Convention on the Elimination of All Forms of Discrimination against Women; establish a database of women able and willing to serve on boards and commissions; as well as examine management and corporate governance issues and the historical struggle for women's rights in Jamaica and the Caribbean. The training will be built around a rights-based approach to women's issues and will use the Convention as a guiding framework.

18. Vocational institutions are now establishing quotas for young women to enter traditionally male dominated fields of study. The Ministry of Education has introduced gender sensitive curricula and teaching methods to address structural and cultural causes of discrimination against women as well as to encourage the diversification of educational and professional choices for women and men.

19. The Government also continues to provide an annual subvention to support the work of the Jamaica Women's Political Caucus to provide training and to assist in public education in order to prepare women for the responsibilities of higher office in the political realm and in the public and private sectors. Support is also given for seminars and thematic fora on gender and governance.

20. One of the measures being employed to deal with youth unemployment is the *Youth Entrepreneurship Programme* (YEP) – a J\$250 million loan programme which will assist school-leavers in becoming employed by exposing students to the basic requirements for operating a business. The Programme began in the summer of 2009 with interested students submitting proposals outlining the kinds of enterprises they wish to undertake. The proposals were evaluated by micro-lending institutions and successful applicants attended training seminars held in various parts of the island between June and August. The Programme will be evaluated after six months.

21. The Special Youth Employment and Training Project was also launched in October 2008 and targets young people between the ages of 18 and 25 years who are integrated into the labour market through apprenticeship arrangements. As at June 2008, 2,451 applications to the programme have been received and processed; approximately 1,000 persons have been trained in numeracy, literacy and employability skills; and approximately 200 persons have been placed with 40 companies involved in hospitality, manufacturing, construction and automotive industries.

### **The informal economy**

22. Although the full extent of the impact of the informal sector on the economy is not known, there is evidence to suggest that the sector has been instrumental in reducing unemployment and poverty. The significance of the sector's contribution to GDP and poverty reduction might be due to its changing face over the years as it is not only low-skilled workers but professionals who are increasingly becoming a part of the informal sector.

23. Several initiatives are being pursued by the Government in recognition of the need to incorporate members of this sector into the formal economy. These include the imposition of a tax amnesty targeting, inter alia, all unregistered businesses and self-employed persons and that is aimed at widening the tax net by encouraging new entrants into the system. Under the amnesty, there are waivers of interest and penalties across all tax types, provided the principal sum owing is settled.

### **Trends in labour migration and the effect of migration on the labour force**

24. As requested by the Committee, please see information below concerning the impact of migration on the Jamaican labour force.

25. The migration of educated/trained workers has had both positive and negative effects on the Jamaican labour force, especially in the education and health fields. There have been positive developments with respect to the growth of remittances, which has become a major contributor to the economy; the development of the human capital of the source country as a result of migration prospects; and the "feedback effect" which refers to the increased prospects for further development in the source country relating to the creation of new businesses and the enhancement of investment levels as a result of the return of migrants.

26. On the other hand, there are challenges arising from the loss of well-needed human capital; the foregone returns on the resources invested in these workers; the net welfare reduction for the worker left behind due to changes in labour supply and wages; and the lost positive externality effects which highly-skilled workers usually contribute to a society.

27. A number of analyses have been undertaken to specifically determine the levels of migration of Jamaican professionals. One method examined the proportion of tertiary personnel migrating (migrants vs. training output calculation) while the other considered the stock and inflow of tertiary personnel (stock and flow calculation).

28. The first methodology took into consideration the output of Professionals, Senior Officials and Technicians from tertiary institutions in relation to the migration of this occupational grouping as reported by the host countries over the period 1990–2000. The second methodology (stock and flow calculation) examined migration in relation to more precise measures of tertiary level education as it used information on persons that have completed tertiary courses of study. Data from the Population Censuses are used to ascertain the number of persons with degrees and other professional qualifications in 1991 and 2001, and these are then compared with the number of professionals trained during the inter-censal period. The results of both methods suggest that the outflow of tertiary personnel average 36.2 per cent.<sup>1</sup>

#### **Overseas Employment Programme**

29. The Government continues to provide overseas farm work and hospitality employment opportunities for many Jamaicans under its Overseas Employment Programme. The Programme is highly dependent upon the economic fortunes of the economies of the United States of America and Canada – the main countries to which the Government has been sending Jamaicans to work over the past 60 years. The downturn in the global economy, however, has severely impacted the Programme. During the 2008/09 financial year a total of 11,814 persons participated in the overseas employment programme, representing a decline of 11 per cent compared to 2007/08. From the US Programme, Jamaican workers earned approximately US\$50 million in 2008 while those under the Canadian Programme earned C\$60 million over the same period. Efforts are underway to expand the Programmes to cover other areas for job opportunities.

#### **CARICOM Single Market and Economy (CSME)**

30. As required under the CARICOM Single Market and Economy (CSME) which became operational since 1 January 2006, Jamaica is facilitating the free movement of skilled workers within the region. These include teachers and nurses, artisans with a Caribbean Vocational Qualification and holders of Associate Degrees or comparable qualifications, as well as sports persons, media persons and musicians. Eligible CARICOM nationals are issued with CARICOM Skills Certificates to facilitate their movement and employment throughout the Caribbean Community. Since the inception of the CSME, the Ministry of Labour and Social Security of Jamaica has issued 1,480 skills to Jamaican and other CARICOM nationals. CARICOM nationals have also established businesses in Jamaica.

#### **Technical and vocational guidance and training programmes**

31. As requested by the Committee and explained in further detail under the section on the implementation of articles 13 and 14, there are several institutions that provide technical and vocational training for both men and women to facilitate exposure to as well as employment in a number of disciplines. Technical training is regulated and delivered largely by the Human Employment and Resource Training/National Training Agency (HEART Trust/NTA).

32. Community Colleges also provide pre-university, general education, professional and para-professional training opportunities and are complemented by Teacher Training Institutions as well as several local and international universities that provide training at the

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<sup>1</sup> The specific results were 38.1 per cent (migrants vs. training output calculation) and 34.3 per cent (stock and flow calculation).



tertiary level. An overview of the types of awards and certification granted by select institutions is provided in table 3.

Table 3

**Awards and certifications granted by selected institutions**

<i>Programme</i>	<i>Certification</i>
1. Adult literacy and life-skills Jamaican Foundation for Lifelong Learning	High School Equivalency Programme Literacy competency levels I to IV
2. Work place training Certification HEART Trust/NTA	National Vocational Qualification Jamaica, Certificate of Competence Level 1–5, Caribbean Vocational Qualification, Technical Vocational Education
3. Community colleges and multidisciplinary colleges  Excelsior Community College, Knox Community College, Portmore Community College, Edna Manley College of Visual and Performing Arts, GC Foster College of Physical Education, Browns Town Community College, Moneague College, Montego Bay Community College and Bethlehem Moravian College	Certificate, Diploma, Associate Degree, Bachelors Degree
4. Professional training  Teacher Training Colleges, Ministries of Health, Justice, National Security, Agriculture, Commerce and Technology  Caribbean Maritime Institute, Management Institute of National Development  Caribbean Institute of Technology, Vocational Training Development Institute	Diploma/Certificates in Specific Vocations: Teaching, Nursing, Military, Constabulary, Maritime, Agriculture, Hospitality, Finance and Public Sector Management
5. Universities  The University of the West Indies, University of Technology Jamaica, The Mico University College, University College of the Caribbean, Northern Caribbean University, International University of the Caribbean, B&B University College	Bachelors Degree, Master Degree, Doctorate, Postgraduate Diploma and Certificate

## **Article 7**

### **Just and favourable conditions of work**

#### **National Minimum Wage**

33. The Government has regulated minimum wage rates since 1938 under the *Minimum Wage Act (MWA)*. The National Minimum Wage, however, did not come into effect until 1975 when the *Minimum Wage Order* was developed to protect workers who did not have

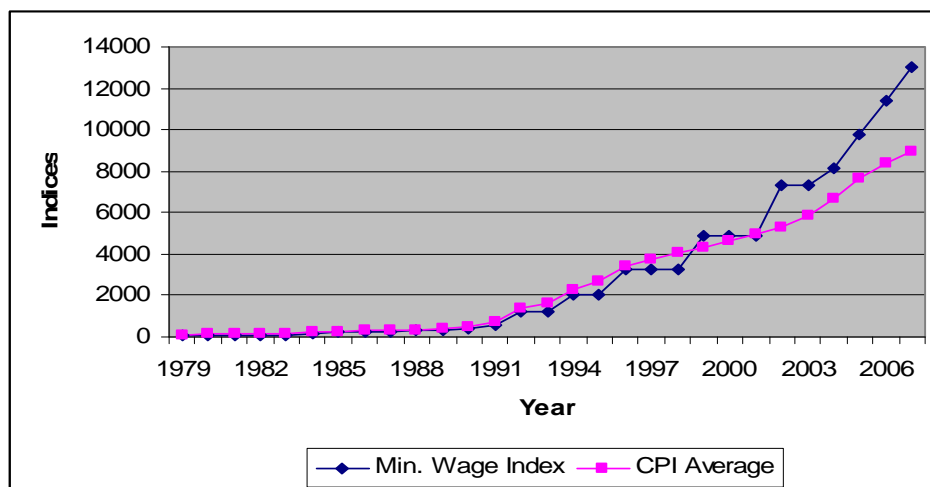
union representation. Currently, the system of minimum wages operates with two rates applicable to two distinct groups. There is a Minimum Wage for Industrial Security Guards and a National Minimum Wage for persons who are not security guards.

34. Since its implementation, there have been regular adjustments in the rates of the national minimum wage. A key argument in favour of these adjustments is that the minimum wage should be sufficient to meet the minimum desired level of existence for the employee, while being simultaneously affordable to the employer. In 2003, a policy decision was taken by the Government of Jamaica that these reviews would be conducted annually to ensure that the minimum wage rates are protected against erosion. In January 2007, for example, the National Minimum Wage rate was increased by 14.3 per cent to J\$3,200 per 40-hour week, while the minimum wage rate for Industrial Security Guards increased by 13.5 per cent to J\$4,700 per week, or J\$117.50 per hour. The figure was further revised in 2008 when minimum wage earners were granted an increase of 16.4 per cent compared to their wages in 2007. As recent as May 2009, the national minimum wage was increased by 10 per cent to J\$4,070 per forty-hour work week. Effective June 2009, industrial security guards received a 10 per cent increase in their minimum wage, which move their salary up to J\$6,050 for a 40-hour work week.

35. The process of determining the level of adjustment in the minimum wage involves participation from a wide variety of organizations and groups including the Ministry of Labour and Social Security, other Government ministries and agencies, as well as private sector interests, trade unions and civic groups. Various factors such as the inflation rate and the consumer price index are analyzed and considered in the decision-making process. Consideration is also given to the ‘living wage’ which is defined as the amount of family income needed to provide for the family’s food and non-food requirements, with sufficient allowance for savings and investments for social security, so as to enable the family to live and maintain a decent standard of human existence. In this context, the minimum wage earner should be able to earn a wage that should be above the poverty line. The Ministry of Labour and Social Security, through the Minimum Wage Advisory Commission, plays a lead role in monitoring and fixing the minimum wage.

36. A comparison is made between the National Minimum Wage and inflation since 1979 in figure 1. It shows that since 1999, the wage has kept ahead of inflation with a steady widening of the gap over time.

Figure 1  
**Indices of inflation and the National Minimum Wage, 1979–2007**



Source: Ministry of Labour and Social Security.

### **Decent work**

37. Through the National Minimum Wage, the National Insurance Scheme (NIS) and the commissioning of the HEART Trust/NTA to provide technical and vocational training, the Government of Jamaica has been able to pursue the International Labour Organization's decent work agenda. Several pieces of legislation have also been enacted to, inter alia, protect the rights of workers such as those relating to the right of association with trade unions as well as those relating to maternity leave, vacation leave, the termination of employment and the physical conditions of places of work. These include the Labour Relations and Industrial Disputes Act, the Maternity Leave Act, the Employment (Equal Pay for Men and Women) Act, the Holidays With Pay Act and the Employment (Termination and Redundancy Payments) Act.

### **Measures to address sexual harassment at the workplace**

38. A Draft Sexual Harassment Policy is under review and is expected to inform legislation to address sexual violence in the workplace. The Bureau of Women's Affairs and NGO partner Women's Media Watch are collaborating on a series of sexual harassment training that are being conducted in the public sector and civil society organizations.

### **Measures to advance the principle of equal pay for work of equal value**

39. There are legislative measures in place to ensure that women are not discriminated against in the work place. The objective of the *Employment (Equal Pay for Men and Women) Act (EPMWA)*, for example, is to ensure that "... no employer shall, by failing to pay equal pay for equal work, discriminate between male and female employees employed by him in the same establishment in Jamaica". Other provisions include Section 9 which gives designated officers of the Ministry of Labour and Social Security the power to enter and inspect the premises of any employer who has both men and women in his employment, and Section 6 which prevents an employee from contracting out of his/her rights as provided for by the legislation. The legislation prescribes penalties for contravention.

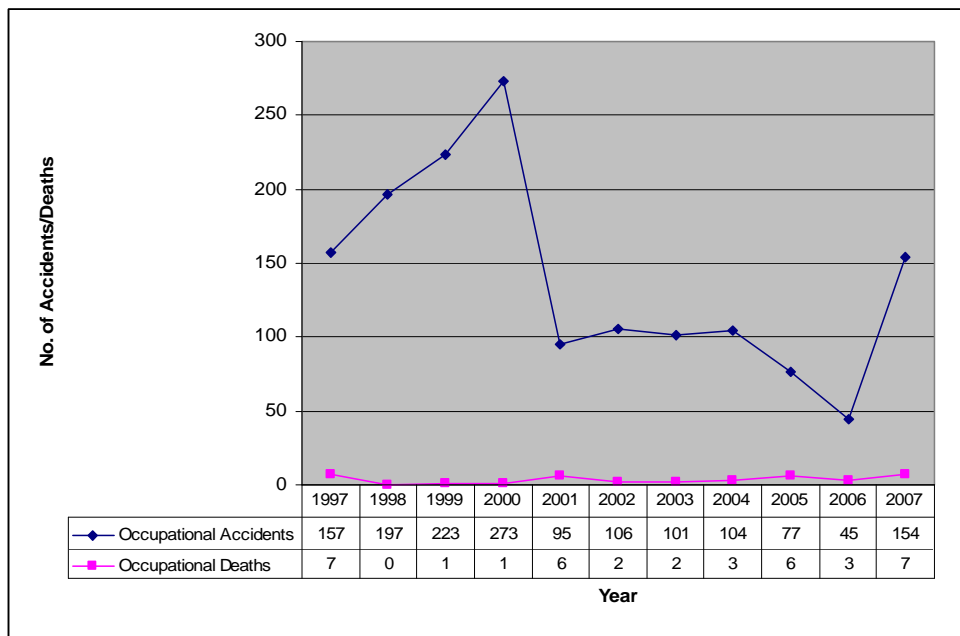
### **Measures to address safety at the workplace**

40. Jamaica has not ratified ILO Convention No. 174 due to the fact that enabling legislation is not yet in place. However, the *Occupational Safety and Health (OSH) Bill* is at an advanced stage and it is anticipated that the Bill will be completed in the near future. To this end, the OSH Department of the Ministry of Labour and Social Security has undertaken a Voluntary Compliance Program (VCP), the objective of which is to get employers in a state of readiness for the OSH regime. One aspect of this VCP concerns the circulation among and adoption by employers of the national policy on hazardous installations. Also, Safety Inspectors from the Ministry of Labour and Social Security continue to inspect places of work with a view to identifying hazards and recommending action be taken, as is provided for under the *Factories Act (1943)* which establishes the minimum standards of operation for industrial safety.

41. With regard to occupational accidents, there was a trend of increase between 1997 and 2000, followed by a sharp decline in 2001 by 65.2 per cent. The general trend of decline continued until 2006, before experiencing a sharp increase in 2007 by 242.2 per cent. The 2007 figure was approximately 1.9 per cent lower than the figure for 1997. With regard to occupational deaths over the same period, the number of deaths fluctuated, ranging from zero in 1998 to 7 which was the figure recorded in both 1997 and 2007 (figure 2).

42. It is acknowledged that more needs to be done to improve working conditions, especially in small and medium-sized enterprises (SMEs), where there are several infractions including, inter alia, the failure of employers to uphold laws relating to vacation and maternity leave entitlement, and to ensure proper working and safety conditions.

Figure 2  
Occupational accidents/deaths, 1997–2007



Source: Ministry of Labour and Social Security.

### Article 8 Right to form and join trade unions

43. The right to form and join trade unions is provided for in Section 23 of the Constitution of Jamaica. This constitutional right is buttressed by the *Labour Relations and Industrial Disputes Act* (“the LRIDA”) under which every worker is also guaranteed the right to take up membership and participate actively in a trade union of his or her choice. Provision is made for compulsory recognition of unions by employers through a process of poll-taking and certification. Unions and workers are permitted to engage in industrial action, including peaceful picketing, but it is unlawful for workers to engage in industrial action in essential services as defined in the First Schedule of the LRIDA and as listed below:

- Water services
- Electricity services
- Health services
- Hospital services
- Sanitary services
- Firefighting services
- Correctional services

- Overseas telecommunications services
- Services connected with the loading and unloading of ships
- All the operations connected with docks or wharves
- Civil aviation services
- Services related to oil refining and the loading and distribution of petroleum

44. It should be noted that this Schedule (First Schedule) can be amended by the Minister of Labour and Social Security. Compulsory arbitration has been substituted for industrial (strike) action and provision is made in the LRIDA against unfair dismissal, including as a result of taking strike action.

45. In order to protect the rights which they guarantee, both the Constitution and the LRIDA contain provisions which seek to dissuade contravention. Under Section 25 of the Constitution, a person who alleges that any of the protective provisions is being or is likely to be contravened may apply to the Supreme Court of Jamaica for redress. The Supreme Court is empowered to make orders, issue writs and give directions it deems appropriate for the purpose of enforcing the provision.

46. The LRIDA also makes it an offence for any person to prevent or deter a worker from exercising his right to be a member of a trade union and to take part, at any appropriate time, in the activities of any trade union of which he is a member. The LRIDA also contains mechanisms for the settlement of disputes and the promotion of good relations between workers and their employers. The LRIDA established the Industrial Disputes Tribunal (IDT) to which disputes may be referred at the request of the parties or on the initiative of the Minister of Labour and Social Security. In October 2009, the House of Representatives (Lower House) passed an amendment to the LRIDA to grant access by non-unionised workers who have disputes with their employers to the IDT. The amendment will be further considered by the Senate (Upper House).

47. Following on the recommendations of the Eaton Report of 1996 on Labour Market Reform (See Appendix) to modernize and correct deficiencies in the existing legal and institutional arrangements, the Government has put several measures in place that relate to the rights outlined under this article. For example, the recommendation that the LRIDA be revised to offer legal protection to contract workers who may wish to exercise the right to join a trade union was addressed with an amendment to Section 2 of the Act. The definition of the term 'worker' was revised so that persons who provide services as employees are not labelled independent contractors. Voluntary recognition of trade unions was given legal force with the inclusion of a new Section 4A in the LRIDA and the LRIDA was amended to include the right not to form or choose a trade union.

## **Article 9**

### **Right to social security**

48. Provision is made for contributory and non-contributory programmes for social insurance (including pension schemes) in Jamaica. The National Insurance Scheme (NIS) is a compulsory, contributory funded social security scheme, which offers financial protection to workers and their families against loss of income arising from injury on the job, incapacity, retirement and death of the insured. The NIS continues to be a major component of the Government's Social Protection Programme.

49. The benefits provided under the NIS are compatible with ILO Minimum Standards and include:

- (a) Retirement Pension;
- (b) Invalidity Pension;
- (c) Widow/Widowers Pension;
- (d) Orphan's and Special Child's Allowance;
- (e) Employment Injury Benefits and Death Allowance;
- (f) Employment Injury Disablement Allowance;
- (g) Maternity Allowance;
- (h) Special Anniversary Pension;
- (i) Funeral Grant;
- (j) National Insurance Pensioners' Health Plan (NIGOLD).

50. All persons who are gainfully occupied in insurable employment are required to be registered, providing that they are between the ages of 18 and 70 (males) and 18 and 65 (females). It should also be noted that the reform of the *1976 Pensions Act* has abolished the provision for payments solely to married males, paving the way for more women to fully participate in pension planning and benefit financially from pension plans. At present, the Scheme provides benefits to approximately 90,000 pensioners.

51. The insurable population is categorized as follows:

- (a) Employed persons;
- (b) Self-employed persons;
- (c) Voluntary contributors.

52. The NIS facilitates self-employed persons, that category of persons being inclusive of contractors, doctors, farmers, informal commercial importers, hairdressers, hagglers and fishermen.

53. Employees presently contribute at a rate of 2.5 per cent of earnings up to the Insurable Wage Ceiling set by the Government. The Insurable Wage Ceiling is currently J\$500,000 per annum. This sum is matched by the employer. With effect from 1 October 2003, this 2.5 per cent contribution has been re-configured so that the 2 per cent is for the NIS and the 0.5 per cent is contributed to the recently introduced National Health Fund (NHF), which is a social health insurance scheme for Jamaican citizens.

54. Employed persons who are paid monthly or weekly under the Pay As You Earn (PAYE) Statutory Deduction System, therefore, contribute a maximum of J\$12,500 per annum to the two social security programmes, which is matched by their employer. Of this amount, J\$10,000 is contributed to the NIS by the employee, matched by J\$10,000 by the employer. The remaining J\$2,500 is contributed to the NHF by the employee, which is also matched by the employer.

55. Private household workers, members of the Jamaica Defence Force (JDF), self-employed persons and Voluntary Contributors contribute to the NIS by way of NIS Stamp Cards. The Stamp Card has slots for each week of the financial year to which a J\$20 NIS stamp should be affixed. These stamps may be purchased at any Post Office. The completed cards are then submitted at the end of the year to the nearest NIS office. Self-employed persons are then assessed the additional amount of NIS contributions to be made. This amount is calculated at 5 per cent of the gross annual income up to the Insurable Wage Ceiling.

56. Retirement pensions form the majority of benefit payments under the NIS, accounting in 2006 for some 71 per cent. Data for March 2007 shows that only 28 per cent of persons 60 years and over received benefits under the Scheme, signalling a large coverage gap among this population.

57. Major challenges to the NIS include the wide coverage gap, imbalance in contributions compared with benefit payments, the existence of a large informal economy, and longer payout periods due to increased life expectancy rates. The Government is in the process of reviewing contributions to the NIS and consolidating statutory deductions to ensure the long-term viability and sustainability of social security programmes.

58. There are several public sector pension schemes and private occupational pension schemes undertaken by companies/businesses. The majority of public pension schemes are non-contributory, with the exceptions being in statutory bodies, executive agencies and other decentralized public bodies. Public pensions are regulated by over 30 separate pieces of legislation applying to different categories of workers in the public service.

59. Occupational pensions outside of the public sector and specified retirement schemes have fallen under the jurisdiction of the Financial Services Commission since major reforms were undertaken beginning in 1999. The first phase of this reform introduced a regulatory framework for the management and administration, and fiduciary integrity of these schemes, embodied in the Pensions Act of 2005. The second phase of the reform is focused on strengthening existing legislation for safeguarding the adequacy of pension benefits (portability, vesting, indexation and protection of benefits). The reform is expected to encourage private savings, long-term investments and the development of creative retirement products.

60. In 2007, the Government mandated the Planning Institute of Jamaica (PIOJ) to spearhead the development of a long-term National Development Plan, Vision 2030, which would guide Jamaica towards achieving developed country status by the year 2030. Several task forces were subsequently constituted to address a wide range of issues, including the issue of social security, which falls under the broad umbrella of social protection. The concerned task force is expected to develop an overall strategy for social security in Jamaica that would, inter alia, address ways of improving the coverage of social insurance and pension, re-define retirement planning to include state and non-State actors, create sustainable financing options and strengthen the congruence between social and economic policies.

## **Article 10**

### **Protection of the family**

#### **The Maternity Leave Act**

61. The Maternity Leave Act, 1979 makes it obligatory for employers to grant leave with pay for a period of 28 weeks to a woman due to her confinement. Confinement is defined as the birth of a child whether living or dead after twenty-eight weeks of pregnancy. This includes premature births.

62. A female worker is eligible for three paid periods of maternity leave whilst in the employ of the same employer. To qualify for maternity leave the worker must:

- Be continuously employed for a minimum of 52 weeks to the same employer as at the date the maternity leave begins. Special provision is made for seasonal workers. Domestic helpers are covered under the National Insurance Act, provided they have been compliant in making their contributions to the National Insurance Scheme.

- Inform her employer in writing of her intended absence from work owing to her pregnancy and that she intends to return to work.
- Upon request, provide her employer with a medical certificate confirming that she is pregnant.
- Be at least 28 weeks pregnant.
- Be employed to the particular employer for a minimum of 18 hours per week.

63. A qualified worker who has been granted maternity leave shall be entitled to return to work under the terms and conditions of her original contract of employment. An employer commits an offence if he/she terminates the employment of a worker as a result of her pregnancy.

#### **Marriage Act**

64. A person may enter into a marriage legally at 16 years of age with the consent of a parent or guardian, except in the case of a widow or widower, or at 18 years of age without the consent of any other person. Section 3 (2) of the *Marriage Act* states that “a marriage solemnized between persons either of whom is under the age of 16 years is null and void”. Under the Act, marriages are solemnized by a Marriage Officer or a Civil Registrar, duly appointed by the Minister with responsibility for such matters.

#### **Maintenance (Law) Act**

65. On the matter of the *Maintenance (Law) Act* to which specific reference was made in Jamaica’s Second Periodic Report, and the question raised by the Committee with respect to the extent to which the Act provides protection to a common-law spouse, it should be noted that several provisions are made in the Act for maintenance during and following the termination of a common-law or cohabitating relationship.

66. Section 4, for example, imposes an obligation on each spouse, so far as he or she is capable, to maintain the other during cohabitation to the extent that such maintenance is reasonable to meet the other spouse’s needs.

67. Under Section 6 of the Act also, there is an obligation for a spouse to maintain the other after the termination of cohabitation, insofar as the person is capable of doing so. In order to obtain maintenance under Section 6, the common-law spouse must make an application to the Court within 12 months of the termination of the relationship, following which and subject to the review of the Court, a maintenance order will be granted. A court may also grant a maintenance order to a common-law spouse, in accordance with the provisions of the Maintenance Act, where the spouse makes an application for division of property under the *Family Property (Rights of Spouses) Act*.

#### *Child care*

#### **The Child Care and Protection Act (CCPA)**

68. Jamaica ratified the *Convention on the Rights of the Child (CRC)* in May 1991. The principles of the Convention have been incorporated into national legislation with the enactment of the *Child Care and Protection Act, 2004 (CCPA)*. The CCPA outlines a number of considerations to be taken into account in determining the child’s best interest. These are:

- The safety of the child
- The child’s physical and emotional needs and level of development
- The importance of continuity in the child’s care



- The quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship
- The child's religious and spiritual views
- The child's level of education and educational requirements
- Whether the child is of sufficient age and maturity so as to be capable of forming his or her own views and, if so, ensuring that those views are given due weight in accordance with the age and maturity of the child
- The effect on the child of a delay in making a decision

69. The CCPA (2004) defines a "family" to mean natural and "step" parents, guardians, blood relatives, those in loco parentis or having temporary custody and control of a child and shall include those accepted by the Ministry of Health and the Home as role models and/or mentors.

70. New provisions have been introduced under the CCPA, including the redefinition of a child as being any person under the age of 18 years, and the abandonment of the use of the word "juvenile," previously applicable to a child between 14 and 17 years, because of its negative connotations. It should also be noted that the *Offences Against the Person Act* defines the age of consent as 16 years of age, and that children are presumed not to have the capacity to infringe the penal law before the age of 12 years, which is described as the age of criminal responsibility.

71. The CCPA strengthens the capability of the nation to protect children from abuse, neglect, exploitation and maltreatment. A significant feature of the legislation is the clear statement of parental and state responsibilities for the welfare of children, along with the penalties applicable for failure to discharge these responsibilities. Even where there is no specific mention in the Act of children infected with HIV/AIDS or children living with disabilities, the Act applies to every Jamaica child, regardless of colour, class or status. It should also be noted that the *Children (Adoption of) Act* is currently being reviewed by a stakeholder team.

72. The Jamaica Coalition on the Rights of the Child (JCRC), a non-governmental organization, continues activities for monitoring and implementing the Convention on the Rights of the Child in Jamaica. The team was able to participate in outreach expansion to over 30,000 children and provide support to allied agencies in collaboration with the Government of Jamaica.

### **Specific initiatives**

73. In addition to the CCPA, the Government has embarked on a number of initiatives in an effort to improve and strengthen child protection in Jamaica. Some of these initiatives include:

#### **Establishment of the Office of the Children's Advocate**

74. The Office of the Children's Advocate (OCA) was established as a Commission of Parliament, pursuant to Section 4 of the CCPA. The Office became operational in January 2006 and the country's first Children's Advocate assumed office in February 2006. One of the core functions of the Office is to represent children in legal matters in instances where their rights have been infringed by Government ministries, departments and agencies. The Office also supports children who are in need of legal representation and who cannot otherwise afford it.

75. The responsibilities of the Office of the Children's Advocate are stipulated by the first schedule to the CCPA and are as follows:

- To keep under review the adequacy and effectiveness of the law and practice relating to the rights and best interest of children.
- To keep under review the adequacy and effectiveness of services provided for children by relevant authorities.
- To give advice and make recommendations to Parliament or any Minister or relevant authority on matters concerning the rights or best interest of children. This may be upon the request of Parliament or other relevant authorities, or as the Children's Advocate deems appropriate.
- To take reasonable steps to ensure that children are aware of the functions and location of the OCA and of the ways in which they may communicate with the Children's Advocate.
- To take reasonable steps to ensure that the views of children and persons having custody, control or care of children are sought concerning the exercise by the Children's Advocate of her functions.

76. The Advocate may also:

- Provide assistance (including financial assistance) to a child in making a complaint to or against a relevant authority
- Conduct investigations into a complaint made by a child, his/her parent, guardian, or any other individual who has the child's best interests in mind
- Bring proceedings in any court or tribunal, other than criminal proceedings, involving law practices concerning the rights and best interest of children
- Intervene in any proceedings before a court or tribunal, act as a 'friend of the court' in any proceedings involving law or practice concerning the rights and best interests of children
- Issue guidance, after consultations with relevant authorities, on best practices in relation to any matter concerning the rights and best interests of children

#### **Establishment of the Child Development Agency**

77. The Child Development Agency has instituted a number of programmatic solutions for children who have been victims of sexual exploitation and other maltreatment. One of the primary objectives of the Agency is to maintain children within families or have them placed in a family-oriented environment, with institutionalization as the last option. This approach has yielded success with the ratio of children in family based environment to institutionalization moving from a 40:60 ratio in 2004 to a 55:45 ratio at the end of March 2008. The Agency has on staff over 65 Children's Officers/Social Workers who provide the necessary intervention on behalf of the child. Such intervention focuses on permanency planning that will yield the best outcomes. The Agency also provides counselling for children within the child protection system through its clinical psychological team and on-site counselling services.

#### **Establishment of the Office of the Children's Registry**

78. The CCPA created a legal obligation to report information or suspicions that a child has been, is being or is likely to be abandoned, neglected, physically or sexually ill-treated or otherwise in need of care and protection (as defined under Section 8 of the Act). This legal obligation extends to every member of society, but is particularly emphasized for a range of prescribed persons, particularly those who in their occupation acquire a duty of care towards children. Prescribed Persons are defined as:

- A physician, nurse, dentist or mental health professional
- An administrator of a hospital facility
- A school principal, teacher or other teaching professional
- A social worker or other social service professional
- An owner, operator or employee of a child day care centre or other child care institution
- A guidance counsellor
- Any other person who, by virtue of his employment or occupation, has a responsibility to discharge a duty of care towards a child

79. Reports of child abuse, neglect and need for care and protection are made to the Office of the Children's Registry (OCR) which became operational in January 2007. These reports are then transmitted to the Child Development Agency and/or the Office of the Children's Advocate who are named as first respondents in such matters. Additionally reports, where there is clear and imminent danger to the child, may also be routed to the Jamaica Constabulary Force (JCF) – Centre for Investigation of Sexual Offences and Child Abuse (CISOCA). As at the end of March 2008, the OCR received and routed 991 reports of child abuse, exploitation and other maltreatment for investigation and follow-up action.

#### **Child Abuse Mitigation Project**

80. The Hospital based response to child abuse was strengthened within the *Child Abuse Mitigation Project (CAMP)* at the Bustamante Children's Hospital. The project continues to provide services for child victims of violence through home visits, school visits, referral to allied service agencies and counselling services.

#### **Crime Stop Programme**

81. This programme is funded by the private sector and managed by the National Crime Prevention Fund within the Ministry of National Security. It provides monetary incentives to persons who assist in the identification of known offenders, some of whom are implicated in child abuse and exploitation cases.

#### **Youth intervention strategies**

82. These are delivered through the Police Youth Clubs and provide a means of involving youths in community outreach and development as well as positive mentorship.

#### **The Centre for Investigation of Sexual Offences and Child Abuse (CISOCA)**

83. This Centre continues to assist in providing professional, medical and psychological aftercare for child victims as part of its overall mandate. The CISOCA was recently upgraded as part of a general strategic review of the Jamaica Constabulary Force which resulted in increased resources and human capital being injected into the operations to better equip Officers to respond to all types of abuse and exploitation of women and children. The Centre has a unit at every police station in each parish.

#### **Missing Persons Investigation Policy**

84. This Policy has been expanded to deal with missing persons and exploited children.

### **Ananda Alert Programme**

85. This Programme was launched in May 2009 to deal with missing children. Under the Programme, when a child goes missing a report is made to the nearest police station or by calling 119. The police will then alert all Ananda Alert stakeholders including the media houses, mobile companies, local authorities, parish councils, and then these will then mobilize community groups. After 12 hours, photos of the missing child will be placed on electronic/mobile billboards, in shops, supermarkets, community centres, church halls, schools and post offices. There is also a website ([www.anandaalertjm.com](http://www.anandaalertjm.com)) at which information can be accessed.

### **Child pornography**

86. In 2009, legislation was enacted to criminalize the production, possession and trafficking in child pornography. Efforts are also being made for the introduction of legislation to respond to the various modalities of cyber-crime.

### **Violence against women and children**

87. There is an unacceptable high level of violence against women and children. As part of efforts to address the problem and in keeping with the request of the Committee that detailed information be provided by the State in its third periodic report on measures being taken by the Government in this regard, please see below an overview of the laws and policies of the Government of Jamaica.

### **The Domestic Violence (Amendment) Act, 2004**

88. This Act continues to be used as a means of redress for women and children. It provides occupation, protection and ancillary orders for victims of domestic violence. The Act also makes special provision for women involved in residential and non-residential relationships. Proceedings under the Act may now be initiated by a third party on behalf of an abused woman and damage to property has now been recognised as a form of domestic violence.

### **Offences against the Person (Amendment) Act and the Incest Punishment (Amendment) Act**

89. The Sexual Offences Act was passed by the House of Representatives and the Senate in 2009. It amends aspects of the *Offences Against the Person Act* to make new provisions for the prosecution of rape and other sexual offences. It seeks to also repeal the *Incest (Punishment) Act* by establishing incest offences under the Sexual Offences Act in replacement of those under the Incest (Punishment) Act. It modernizes the law relating to sexual offences both in substantive and procedural respects to afford greater protection to women and children. The number of proposed changes to the law relate to rape including marital rape, anonymity of complainant in rape and other sexual offences, as well as incest.

### **Victims Charter**

90. The Charter seeks to correct the imbalances between the protection of the rights of offenders and the human rights of victims. The Charter includes (a) the compensation of victims, with state responsibility for funding any proposed compensation scheme, (b) the protection by the State of children and other vulnerable groups within communities, (c) an understanding of the causes and consequences of family and domestic violence, and (d) volunteerism in victim support within communities.

91. It should be noted that support to victims is provided by the Victim Support Unit of the Ministry of Justice. The Unit, the first of its kind in the Caribbean, was established in

1998 and has offices in all 14 parishes that provide advocacy, advice and counselling services to individuals against whom crimes and offences have been committed. A National Coordinator heads the Unit and in each parish there is a parish coordinator and a social worker. The Unit is also assisted by groups of volunteers selected in each district within the parish. In addition, Neighbourhood Watch Networks supported by the Ministry of National Security are being strengthened to enhance citizen protection. In 2008, the Unit served a total of 10,225 clients – 310 less than in 2007. Of the total number of clients seen, 47.7 per cent were new clients.

### **The work of the Bureau of Women’s Affairs**

92. The Bureau of Women’s Affairs (BWA), along with other Government agencies, NGOs and community-based organizations (CBOs), continues to conduct gender-based violence and human rights education workshops as part of a comprehensive public education programme and integrated prevention strategy to eliminate attitudes that foster, justify, and tolerate violence. Workshops are conducted in a number of organizations, schools, communities and churches across the island. The groups that have been sensitized include students, community members, police officers, guidance counsellors, social workers, service clubs and members of the justice system. Many of the programmes also target rural women. In 2008, for example, the BWA conducted 22 workshops on gender-based violence with 2,446 participants in rural communities, 77 per cent of whom were women.

### **Trafficking in persons**

93. To deal with the issue of human trafficking, the Government enacted the *Trafficking in Persons (Prevention, Suppression and Punishment) Act* in 2007. The provisions of the Act are in keeping with the international *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*. It seeks to act as a deterrent to offenders and would-be offenders, punish the trafficking in persons, especially as it relates to the sexual exploitation and prostitution of women and children, and stem the proliferation of ‘sex tourism’. Additionally, the Ministry of Justice, in collaboration with a multi-sectoral team, has put systems in place to support housing and psycho-social services for children and women who have been victims of trafficking and apply a holistic approach to facilitate their re-integration into the wider society. Special consideration is also being given to victim impact assessments and gender-sensitive screening for women and girls. A hotline has been created to report cases of alleged human trafficking.

94. A National Task Force Against Trafficking in Persons was established in 2005 to, inter alia:

- Raise the profile of trafficking in persons through public education
- Facilitate the training of police officers, customs and immigration officials as well as the judiciary
- Recommend amendments to key legislations that are likely to aid in the prevention of trafficking in persons, prosecution of offenders and enhance the provisions to protect victims
- Establish protocols for intervention to help victims of trafficking

95. To enforce the law, a Trafficking in Persons (TIP) Unit was also established in the Organized Crime Investigation Division of the Jamaica Constabulary Force. The Unit works in collaboration with the Ministry of Labour and Social Security to screen applications for work permits. It also conducts follow-up investigations to review work

permits granted, ensure that there are no breaches, and where there are breaches, to recommend suspension of permits.

96. Eight TIP cases have been investigated and placed before the courts over the last two years. Four cases are currently before the courts.

#### **Protection of the social and economic rights of asylum-seekers and their families**

97. A national refugee policy has been finalized to ensure that Jamaica meets its obligations under the 1951 United Nations Conventions Relating to the Status of Refugees and its 1967 Protocol. The Policy is the outcome of inter-agency consultations coordinated by an Inter-Ministerial Committee that was established in 2001.

98. Persons applying for refugee status shall be determined in accordance with established procedures. In keeping with the procedures outlined in the Policy, foreign nationals applying for refugee status in Jamaica are interviewed on arrival by immigration officers. Thereafter, the individuals are interviewed by an Eligibility Committee comprising representatives of the Ministries of National Security, Foreign Affairs & Foreign Trade, and Justice. Every effort is also made to ensure the family reunification of migrants.

99. Once an applicant is granted refugee status, the State has a responsibility to facilitate his or her access to social and welfare services.

#### **Update on the National Policy Statement on Women**

100. As requested by the Committee, please see below an update on the National Policy Statement on Women which was adopted in 1987 and which continues to guide the activities of the Government in the promotion and protection of the rights of women.

101. The 10 goals of the Policy Statement concern:

- Increasing access to employment and income
- Upgrading women's skills and increasing their access to credit and markets
- Improving pay, working conditions and promoting the diversification of women's employment opportunities
- Ensuring available, affordable, adequate child care services
- Providing adequate protection to and means of redress for women and children who are victims of domestic violence, incest, rape and sexual harassment
- Improving housing supply and terms of acquisition to assist women in the provision of shelter for themselves and their families
- Eliminating legal discrimination and implementing reforms necessary for the protection and advancement of women
- Ensuring that the provision and distribution of basic services between men and women is equitable
- Promoting women's rights to contraception and choices about the number of children they desire
- Ensuring equal rights for females in all areas of education

102. As indicated throughout the present report, several measures are being pursued by the Government to respond to the objectives of the Statement. It should be noted, however, that the Statement will be replaced by a National Gender Policy, which is currently being finalized for submission to Cabinet. The Policy is aimed at guiding the process towards

gender equality and was initiated to reflect the change from a focus on women's issue to gender issues in general.

### **Charter of Rights and Freedoms (Constitutional Amendment) Bill**

103. A draft *Charter of Rights and Freedoms (Constitutional Amendment) Bill* has been prepared that seeks to provide for more comprehensive and effective protection of the fundamental rights and freedoms of all persons in Jamaica. One of the issues which will be resolved is discrimination on the basis of sex. By prohibiting discrimination on the basis of sex, the Bill would amend the current provision in the Constitution.

### **Child labour**

104. There have been strides in addressing the problem of child labour as there is in place a *National Policy on Child Labour*. The Policy is an outcome of the *Child Care and Protection Act* and will be incorporated under the proposed *Occupational Health and Safety Act*. All persons are now obliged to prevent child labour and report it immediately to the relevant authorities (the Police, the Family/Children's Court, the Child Development Agency, the Ministry of Labor and Social Security and/or its Labour Inspectors).

105. The *Child Care and Protection Act* sets out the following conditions pertaining to child labour:

- It is an offence to employ a child who is under the age of 13 to perform any work.
- Children aged 13–15 years may be employed in certain occupations and under certain conditions prescribed by the Ministry of Labor and Social Security (light work appropriate to the child's age).
- Children 15 years and over must not perform work that is likely to be hazardous, interfere with their education, or be harmful to their health or physical, mental, spiritual or social development. They must not be employed in night work (10:00 pm to 5:00 am) or an industrial undertaking (e.g. mining, working in a cigarette factory, manufacturing, construction or transportation of passengers or goods).
- Children detained in correctional centres, serving community service order, or pursuing school-related activities are allowed to do work that is not likely to be hazardous, or to interfere with their education, or to be harmful to their health or physical, mental, spiritual or social development.
- It is an offence to employ children in night clubs.
- It is an offence for a child to be used for an indecent or immoral purpose and to knowingly rent or allow one's premises to be used for these purposes.

106. The Act makes provision for persons in violation of the law to be brought before the Courts. Violators can be charged up to a maximum of J\$500,000.00 or face imprisonment for six months at hard labour. One proposal under the new Occupational Health and Safety Act is to increase the fine up to a maximum of J\$1,000,000.00. There are over 20 Occupational Health & Safety Inspectors with responsibility to conduct inspection of work places to determine safety as well as to identify instances of child labour and trafficking in persons. Over 1,500 inspections have been conducted island-wide but there have been no reports of any incidence of child labour.

107. As requested by the Committee during the consideration of Jamaica's last periodic report, please see below information concerning the Memorandum of Understanding signed between the ILK and the Government of Jamaica in 2000. The Memorandum of Understanding was in effect for three years and led to the establishment of a country programme which included the following activities:

- Rapid assessment and baseline studies
- A national Survey on Child Labour in Jamaica
- The establishment of a National Steering Committee to provide guidance and policy coordination
- The ratification of ILO Conventions 138 (1973) concerning Minimum Age for Admission to Employment and 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- Institutional capacity building in participating organizations
- Awareness raising in the public about child labour issues
- Action programmes on withdrawal from labour and prevention of child labour

108. In February 2009, the Government of Jamaica, in collaboration with ILO/IPEC and the European Union, launched a new project to combat child labour in Jamaica. The project, entitled “*TACKLE (Tackling Child Labour through Education)*”, is expected to last for three years and cost just over US\$ 1 million. Jamaica is one of 11 countries across Africa, the Pacific and the Caribbean to participate in the project. The areas of focus will be public awareness, capacity-building, advocacy, community programmes and the mainstreaming of victims of child labour.

#### **Situation of the boy child**

109. As requested by the Committee following the consideration of Jamaica’s Second Periodic Report, please see below an overview of some of the measures put in place by the Government of Jamaica that give special attention to the situation of the boy child.

#### **Possibility Programme**

110. This is a Programme which began in 2001 and is operated by the Ministry of Youth, Sports and Culture. It is an integral component of the National Poverty Eradication Programme and is geared towards rescuing young boys who are at risk. There are four components of the programme:

- (a) The Care Centre referred to as Intervention Centre that addresses the challenges of the target group;
- (b) Skills Employment Centre;
- (c) Annual Re-socialization Camps; and
- (d) The Youth Hostel.

111. The programme provides support for boys on the street between 8 and 18 years of age and services are delivered through a combination of intervention methods aimed at delivering on one or a combination of the six objectives outlined below:

- To develop a coordinated and proactive approach to the social problems of street children and at-risk youths
- To have these children enrolled in a project of skills training, academic learning, apprenticeship and job placement
- To stem the flow of children on the streets
- To assist in the reintegration of children and youth with their families and/or schools where possible



- To provide accommodation for children/youth that are registered in a structured programme
- To encourage the participation of stakeholders

112. To date, 426 boys have participated in the Programme, with a total of 63 boys benefitting in 2008. Of this amount, an average of 35 boys visited the Care Centre daily. On-going counselling and support is provided twice weekly for the boys and their families. Twenty-seven young men were enrolled in Skills Employment & Training Centre where they were engaged in apprenticeship in auto mechanics, furniture making, food processing and preparation, and office procedures. Remedial Mathematics and English as well as leather craft, entrepreneurial skills and computer classes continue to be key components of the training at the Care Centre.

113. The Re-socialization Camp 2008, in which 24 young men participated, was held in partnership with the Jamaica Defence Force (JDF) at the Training Depot in New Castle. Remedial programmes were also offered and training provided in the areas of dispute resolution, team building, substance abuse, personal development, family life, physical training and the creative arts (*Economic and Social Survey, Jamaica, 2008*).

#### **Keeping Boys Out of Risk Programme**

114. The Dispute Resolution Foundation recently gained international recognition for its youth programmes entitled “Conflict Resolution as a Solution, Creating Safe Places for Learning” and was commended for its effectiveness and innovation by the World Bank and Commonwealth Secretariat. The Programme targets the boy child and is aimed at keeping them out of risk.

#### **Steps to Work Programme**

115. The Ministry of Labour and Social Security currently offers the *Steps to Work Programme* that caters to families on the PATH programme, thus enabling participants to seek and retain employment (See article 11 for further information on the PATH Programme). A special window is being opened under this programme for the 15–17 age cohort, especially boys who are vulnerable. The aim of the Programme is to wean beneficiaries of the PATH Programme into training, employment and entrepreneurship. For the financial year 2009/2010, 3,000 PATH beneficiaries will be assisted in this regard.

#### **Regional and international assistance/collaboration**

116. The Government of Jamaica entered into a CARICOM Agreement on Children for the period 2002–2015. The Regional Framework of Action for Children has the following priority goals:

- Comprehensive sustainable and effective early childhood development programmes in all Member States
- Protecting children in all Member States against all forms of abuse, including sexual, emotional and physical abuse, exploitation, violence, child labour, discrimination and neglect, including trafficking
- Reducing infant and under 5 mortality
- Reducing by three-quarters the maternal mortality ratio
- Sustaining the advances made in the realization of health and education targets/goals and children’s rights
- Retaining children in the school system up to the secondary level

- Promoting a culture of respect for the rights of children and for ensuring a safe, stable and secure environment for children

117. UNICEF Funding initiatives, along with other local and international donors, play a key role in providing funding for material and programmatic solutions that go directly towards the protection and assistance of child victims: UNICEF provides support under the following core areas:

- (a) Advocacy, Public Policy and Partnerships;
- (b) Children and HIV/AIDS;
- (c) Child Protection;
- (d) Quality Education and Early Childhood Development;
- (e) Sub-Regional Early Childhood Development.

### **Older persons**

118. The National Council for Senior Citizens (NCSC), an agency of the Ministry of Labour and Social Security (MLSS), has responsibility for overseeing activities and programmes towards the implementation of the *National Policy for Senior Citizen* that was adopted in 1997. The Policy, which addresses issues concerning health, education and media, income security, housing and national infrastructure, is being reviewed to ensure that it adequately addresses the needs of senior citizens (persons 60 years and over) in the twenty-first century. The NCSC facilitates and promotes the notion of a healthy and active elderly population, with access to opportunities to meet their basic needs. There are 295,600 persons in this age group, constituting 11.0 per cent of the general population, with 54.6 per cent being females.

119. The Council also offers programmes and seminars to inform seniors of how they can access benefits offered by the Government, including pensions from the National Insurance Scheme (previously mentioned under article 9) and health benefits such as the Jamaica Drugs for the Elderly Programme (see article 12). During the month of September of each year, the Council also hosts a number of activities aimed at recognizing the contribution of seniors towards national development.

### **Persons with disabilities**

120. The *National Policy for Persons with Disabilities* continues to provide a framework for the Government to develop and implement policies designed to provide equal opportunities for people with disabilities. It should also be noted that Jamaica is a State party to the United Nation Convention on the Rights of Persons with Disabilities and was one of the first countries to ratify the Convention when it opened for signature in 2007.

121. The concerns of persons with disabilities are also addressed by the Jamaica Council for Persons with Disabilities (JCPD). The JCPD was established in 1971 following a study commissioned by the Government to assess the needs of Jamaicans with disabilities. Its main task is to elaborate strategies to meet the needs of the disabled. The Council has as its stated mission the facilitation of the educational, social and economic development of persons with disabilities in Jamaica, in an atmosphere which is collaborative and participatory, through counselling, training, public education and the provision of other relevant services. In practical terms, it has been involved in the rehabilitation and placement of persons with disabilities, as well as the provision of vocational training. Through its advocacy, members of the deaf community are now able to apply for a driver's license. The staff of the Island Traffic Authority (ITA) and the Jamaica Constabulary Force (JCF), have

received signing language training as part of efforts to equip them with the skills needed to effectively communicate with persons who are deaf.

122. These efforts are complemented by the National and Vocational Rehabilitation Service for the Disabled which promotes and undertakes programmes to allow for the full participation and equality of all disabled persons at all levels in the society, by achieving the following objectives:

- The preparation and maintenance of a national registration of persons with disabilities
- The development and maintenance of an effective vocational training department within the Council
- The co-ordination of the abilities and potential of the disabled through self-help projects
- The promotion and co-ordination of a National Disability Awareness Week of activities held during the first week of December
- The maintenance of a quality service for clients seeking assistance

123. Toll free numbers have been provided by the Ministry of Labour and Social Security to help senior citizens and persons with disabilities to access assistance from anywhere in the island. The toll free numbers – 1 888-SENIORS and 1 888-ENABLED were officially launched in August 2008 and are expected to act as a vehicle through which senior citizens and persons with disabilities will have direct access to the necessary services being offered by the Government.

## **Article 11**

### **Right to an adequate standard of living**

#### **The right to the continuous improvement of living conditions**

124. Jamaica has succeeded in raising the overall standard of living as measured by some of its key social indicators, and is on track to achieve some of the Millennium Development Goals (MDGs) by 2015. Life expectancy, which was 72 years in 2007, is comparable to that of high income countries.

125. As requested by the Committee, please see below information in respect of the extent of poverty in the country.

#### *Households living below the poverty line*

126. The proportion of the population living below the poverty line moved to 1 in 10 in 2007, from 1 in 4 in 1990. In 2006, 10.3 per cent of households in Jamaica were living below the poverty line. The poverty line for a household of 5 persons in 2007 was J\$302,696.07 compared with J\$281,000.93 in 2006. The impact of the global economic crisis, as manifested by an increase in unemployment and other economic conditions such as inflation and a reduction in remittances, suggest that poverty may have increased since the last survey.

#### *Households living below the household poverty line that are headed by women*

127. In female headed households, 69.5 per cent of females are below the age of 60 while 30.5 per cent are above the age of 60. Females, therefore, tend to be less dominant as heads of household beyond age 60.

*Individuals living below the poverty line disaggregated by sex and age*

128. The incidence of poverty was 9.9 per cent in 2007. This rate reflected an uninterrupted decrease in the incidence of poverty by 4.4 percentage points over the previous six years (table 4). The incidence of poverty was highest in rural areas (15.3 per cent) which represented 71.3 per cent of the Jamaican poor compared with the incidence of poverty in the Kingston Metropolitan Area (KMA) (6.2 per cent) and Other Towns (4 per cent) which had 19.9 and 8.9 per cent of the poor population, respectively.

Table 4  
**Incidence of poverty by region, 2002–2007**

<i>Region</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
KMA	10.4	9.5	14.3	9.6	9.4	6.2
Other towns	18.7	15.8	7.8	7.2	9.2	4
Rural areas	25.1	24.2	22.1	21.1	19.8	15.3
Jamaica	19.7	19.1	16.9	14.8	14.3	9.9

*Source:* JSLC 2002–2007.

Table 5  
**Proportion of males and females in poverty by sex**

<i>Age group (years)</i>	<i>Sex</i>	
	<i>Male %</i>	<i>Female %</i>
0–9	26.2	18.3
10–19	26.4	23.2
20–29	14.7	13.8
30–39	8.0	12.4
40–49	8.1	12.9
50–59	4.6	6.3
60–69	5.2	5.8
70–79	4.4	4.6
80–89	2.3	1.8
90–100	0.3	0.9
<b>Total</b>	<b>100.2</b>	<b>100</b>

*Source:* Ministry of Health.

129. Male children (0–19) make up approximately 52 per cent of the male population who are poor. Generally, females make up the greater proportion of the population that are poor, especially for the 10–19 and 30–49 age groups. There are slight variations in the percentage of males and females who are poor as the age groups increase. As noted previously, there are several Government initiatives aimed at advancing the empowerment of women, including through training and employment opportunities.

130. As part of the National Programme for the Eradication of Poverty (NPEP), the Government addresses the needs of poor households under the Programme of Advancement Through Health and Education (PATH). The PATH is a conditional cash transfer programme which was implemented in 2001 to assist poor households in rural and urban

areas in breaking the inter-generational cycle of poverty. While the main beneficiaries of the Programme are children, it also benefits the elderly, persons with disabilities, pregnant and lactating women, and a small number of indigent adults of working age. As at April 2008, beneficiary households were in receipt of a base benefit of J\$650.00 per beneficiary per month.<sup>2</sup> In 2008, the Government placed a subsidy on food items to cushion the effect of rising food prices on the poor. However, this subsidy was not deemed sustainable.

131. At present, there are 310,000 beneficiaries registered under the Programme. The Government has increased the budget for PATH to J\$ 3 billion to expand coverage for all who have fallen in need with the emergence of the global economic crisis. This represents an increase of J\$ 770 million over the 2007 provision and will allow the Ministry of Labour and Social Security to add another 50,000 beneficiaries to the Programme.

#### *Access to basic physical amenities*

132. The main indicators used to assess the extent of access to physical amenities include Source of Water (Supply), Source of Lighting, Toilet/Sanitation Facility and Access to Kitchen. Further information on access to water is provided under Section D (right to water).

133. Electricity was the main source of lighting for 90.3 per cent of Jamaican households in 2007 (table 6). This source of lighting has been steadily increasing from 78.2 per cent in 1997 up to its present level. The increased usage of electricity was accompanied by a simultaneous decline in the use of kerosene from 17.9 per cent in 1997 to 6.3 per cent in 2007.

134. Electricity was the main source of lighting for a large majority of households in the rural areas (84.9 per cent). The percentage of households using electricity in the rural areas increased steadily from 66.9 per cent in 1996 to its present level. Electricity, as the main source of lighting, was highest among the wealthiest quintile (96.1 per cent), compared with 73.6 per cent of households in the poorest quintile in 2007. The percentage of households using electricity in the poorest quintile is increasing, however, and is up from 56.4 per cent in 1996. Conversely, the percentage use of kerosene among the poorest group declined from 41.9 per cent in 1996 to 18.8 per cent in 2007.

Table 6  
**Percentage of households by source of lighting**

<i>Source</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2004</i>	<i>2006</i>	<i>2007</i>
Electricity	78.2	80.4	80.8	86.9	86.1	87.1	89.0	90.0	90.3
Kerosene	17.9	15.9	14.8	11.2	11.3	10.8	6.9	7.1	6.3
Other	0.6	0.4	0.5	0.7	0.8	0.6	1.3	0.9	1.5
None	3.3	3.3	4.0	1.2	1.7	1.4	2.8	2.0	1.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* JSLC 2007.

<sup>2</sup> *Note:* 1. The base grant is \$650.00 per month; all boys receive a ten per cent (10%) bonus at each educational level.

2. Grade differentials: Grade 7–9 receive \$850.00 monthly, while Grades 10 and above will receive a base of \$1000.00 monthly. The Table is worked on the basis of one payment period, which is two months.

3. Other PATH categories outside of education grants will receive the \$650.00 per month base grant.

135. Almost all Jamaican households in the 2007 Jamaica Survey of Living Conditions reported having access to a kitchen facility (91.6 per cent). Of these households, those with Exclusive Use of Kitchen Facility accounted for 93.1 per cent.

### The right to adequate food

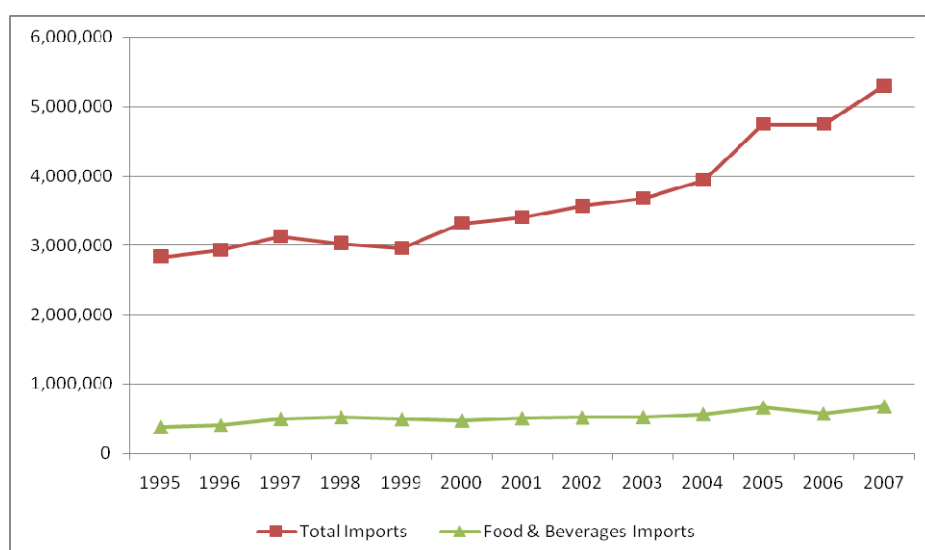
136. Food required to meet the nation's dietary requirements is procured by way of local production or importation. Importation is essential in view of the fact that Jamaica is unable to produce some items efficiently and lacks the capacity (suitable land and climatic conditions) to produce others. At the same time, however, Jamaica's exposure to cheaper imports based on new trading agreements has led to the displacement of local farmers.

137. Among the major items of food imported by Jamaica are:

- Cereals – consisting mainly of rice, wheat and maize. It is estimated that Jamaica obtains approximately 34 per cent of its dietary requirement for calories from cereals. Cereal production in Jamaica is limited to very small quantities of rice and maize as wheat cannot be produced in Jamaica.
- Fish and Meats – the single largest food item in this category is poultry which includes chicken parts and specialized meat preparations such as chicken paste imported for the tourism and agro-processing industry.

Chart 1

### Total imports and food imports 1975–2007



138. The majority of ground provisions and vegetables which are consumed locally are supplied by local farmers.

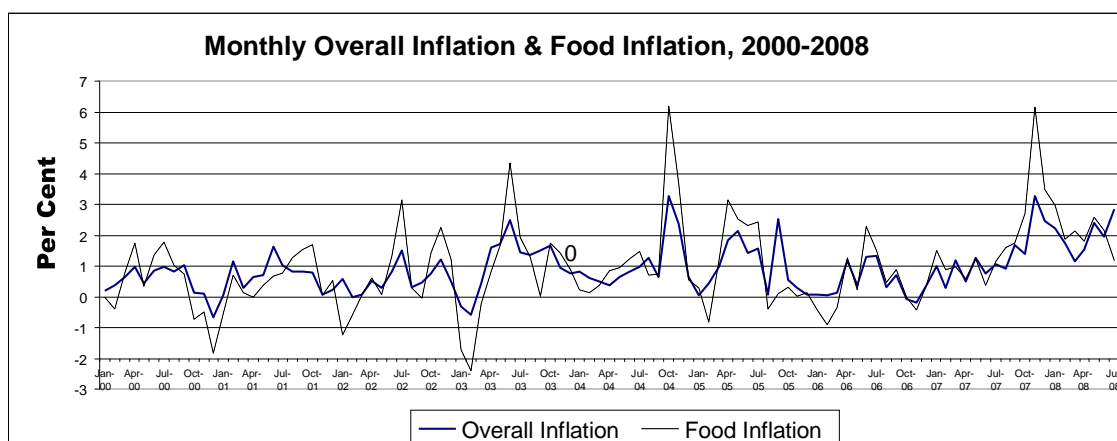
139. There are several factors which threaten Jamaica's food security. These include:

- Natural Hazards – the relatively frequent occurrence of hurricanes, floods, droughts and bush fires has caused several billion dollars of losses to the agricultural sector. This has resulted in the temporary dislocation of the producers of several crop groups. These disruptions in local production result in shortages and ultimately increased importation.
- Farming practices employed by local producers – it is estimated that only 10 per cent of cultivated lands in Jamaica for domestic crop production is irrigated. The

other 90 per cent of cultivated lands are rain-fed. This practice results in lower yield and greater volatility in output. At the same time, however, the application of technology within the agricultural sector is often constrained by the topography of the land, with over 75 per cent of the cultivated lands having slopes exceeding 10 degrees. Additionally, small farmers who account for approximately 82 per cent of the total number of farmers in Jamaica, cultivate on 2 or less hectares of land which limits the feasibility of utilizing some technologies.

- High Input Costs – the sharp increase in commodity prices on the international market has resulted in similar increased costs (fertilizer, animal feeds) for the agricultural sector. The extent of the impact of these increased costs is reflected in the movement in CPI for food which has risen at a faster rate than the CPI for other items. (See chart 2). It is estimated that for every 10.0 per cent increase in basic food prices, poverty levels will rise by 0.4 percentage points. As was the case with the high fuel prices experienced in 2008, countries like Jamaica are unable to adequately respond to food security needs in the short-term.

Chart 2

**Overall inflation rate v/s food inflation**

140. Food security has been permeating the discussions of local policymakers who have responded by proposing several strategies geared at improving productivity and production in the agriculture sector. Among them is the creation of an enabling environment and technological improvement which includes:

- Capacity-building of relevant agencies, institutions and groups of farmers to provide greater support to producers
- Improving access to financing within the sector, to be fostered by restructuring Peoples Co-operative (PC) Banks
- Sourcing cheaper agricultural production inputs
- Increasing the application of modern technology which primarily includes the use of greenhouse technology and irrigation schemes
- Training farmers to utilize the new farming techniques and equipment

141. In an attempt to address food security, the Ministry of Agriculture and Fisheries has also identified initiatives to bolster domestic production. These are:

*Grains*

142. Global supply of cereal and wheat has been constrained by the enforcement of export restrictions by major suppliers. The proposal of the Ministry of Agriculture and Fisheries in response to this action is the resuscitation of the rice sector, even though, based on land availability, the country's domestic production will only satisfy approximately 10.0 per cent of rice imports. The Ministry has also responded by promoting and facilitating the increased production of alternative products, which include roots and tubers such as cassava, yams and sweet potatoes, and their by-products as substitutes for cereals and as a main ingredient in animal feeds.

*Meat and dairy*

143. To increase the country's self-sufficiency in meat production, the Ministry of Agriculture and Fisheries plans to expand the production of small ruminants, replacing approximately 50 per cent of 2006 imports. Ruminants production will be expanded under a five-year programme geared, inter alia, at increasing the stock of animals and expanding the feedlot, abattoir and cold storage facilities. Along with the ruminants industry, the Ministry also intends to rebuild the fisheries industry which, among other things, involves improving fishing facilities and access to finance through the Development Bank of Jamaica.

144. An effort will also be made to reactivate the dairy programme including through the provision of low cost loans to dairy farmers and through pasture improvement.

*Land and irrigation infrastructure*

145. The Ministry of Agriculture and Fisheries intends to conduct a wholesale audit of all lands belonging to the Government, including determining capability profile based on soil analysis and establish their various uses. As part of the process, an investigation of all large agricultural holdings leased by the Government has been undertaken to determine extent of use and level of activity. The Ministry also plans to make accessible to small farmers low cost loans and grants to implement small scale irrigation systems. In addition, the Ministry will be implementing programmes to rehabilitate farm roads on an annual basis.

*Other measures*

146. In addition to the measures mentioned above, the Government has been increasing allocations to its welfare and feeding programmes to assist those who are most vulnerable. With respect to the elderly, it should be noted that in 2007, the NCSC provided feeding services for 2,780 beneficiaries within the 45 Feeding Centres through the Rural Feeding Programme. This represents an increase of approximately 1,916 beneficiaries and 15 new feeding programmes over the past five years. The 2007 data also revealed that the Government-sponsored "Meals on Wheels" programme in the Corporate Area (Kingston and St. Andrew) facilitated the transportation of prepared meals to 23 Feeding Centres and to registered shut-ins five days per week. Over 880 persons were registered for this programme in 2007. The feeding programmes are also supported island-wide by private sector entities.

*Malnutrition*

147. In 2006, 3.3 per cent of Jamaicans were living below the food poverty line. Of this share 45.0 per cent were women, 46.0 per cent were children 0 to 18 years old, 38.9 per cent were adults 19 to 59 years old and 15.2 per cent were over 60 years old.

148. The prevalence of undernourished children from zero to five years is assessed using weight and height measurements. In 2006, the prevalence of zero to five-year-olds that had low weight for age was 5.3 per cent, low height for age was 4.6 per cent, and low weight



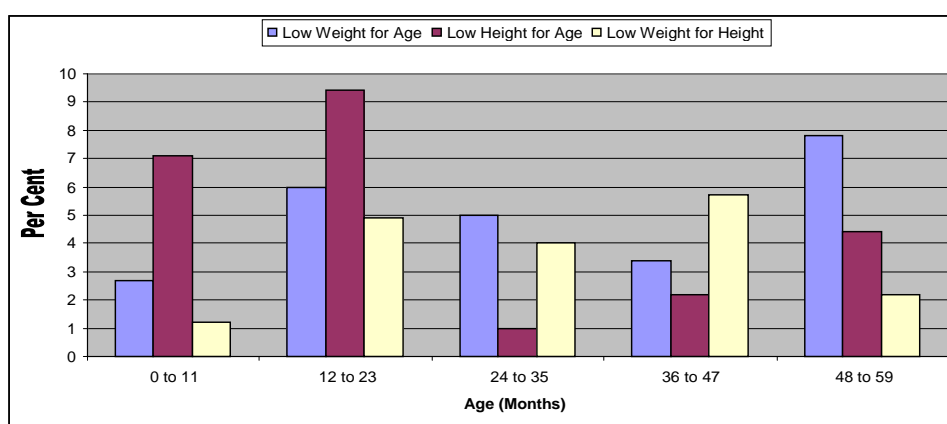
for height was 3.6 per cent. In all categories the proportion of females was greater than or equal to the share of males (table 7).

Table 7  
**Proportion of undernourished zero to five-year-olds by sex**

<i>Measure</i>	<i>Prevalence</i>	<i>Males %</i>	<i>Females %</i>
Low weight for age	5.3	43.5	56.5
Low height for age	4.6	40.0	60.0
Low weight for height	3.6	50.0	50.0

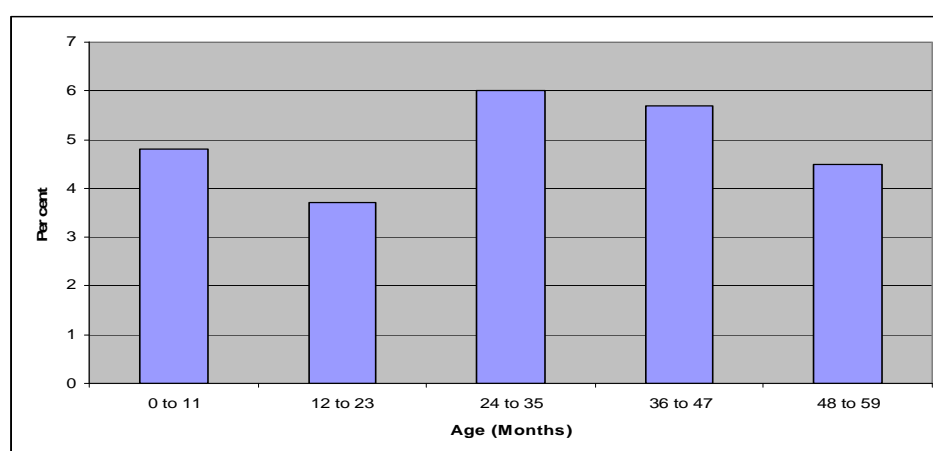
149. Children 0 to 23 months were most at risk of stunting (low height for age), while the 36 to 47 months age group were most at risk for being underweight (low weight for height) (Figure 3).

Figure 3  
**Prevalence of under-nutrition among children 0 to 59 months by age group**



150. Of the children 0 to 59 months, the highest prevalence of overweight was seen in those 24 to 35 months (6.0 per cent) and the lowest prevalence in the 12 to 23 month olds (3.7 per cent) (figure 4).

Figure 4  
**Prevalence of over-nutrition among children 0 to 59 months by age, 2006**



151. Efforts to meet the nutritional needs of children are spearheaded by the Ministry of Education (MOE) and the Ministry of Health (MOH). The MOH, through its field service officers, identify children who are at risk and provide counselling and nutritional supplements. The School Feeding Programme (SFP), introduced by the Government in 1976, is an integral part of the MOE's Welfare Programme. The main objectives are to:

- Encourage greater and more regular school attendance
- Alleviate hunger, and enhance the learning capacity of pupils by providing breakfast and/or mid-day meal
- Provide a source of income transfer for participating families
- Educate children on the value of food nutrition classes
- Encourage children to grow their own food by establishing school gardens
- Supply at least one third (1/3) of the child's daily nutritional requirements

152. The SFP has two components: the Nutribun Programme, which benefits approximately 136,000 children (in 850 schools) at the early childhood to secondary levels island-wide; and the Traditional/Cooked Lunch Programme. In 2007, there were approximately 175,000 beneficiaries (in 636 schools) of the Traditional/Cooked Lunch Programme. Under the SFP, schools are encouraged to provide balanced meals for students using the Menu and Recipe Manual that was developed by the Caribbean Food and Nutrition Institute (CFNI). In 2007, recognized Basic Schools (See Section concerning articles 13 and 14) received a nutrition subsidy of J\$250.00 per annum per child through the Early Childhood Unit, and staple items were also provided for 86,000 children in these schools.

153. Although the cost of this programme is now totally financed by the Government, it is progressively being expanded to reach more needy children in an effort to improve basic and primary education.

154. The meals are not all free of costs to the children. For example, the cost to the student for each nutribun snack (solid and milk) is J\$2.00. However, provisions are made for those students who cannot pay. The Ministry of Education's policy is that no child who is unable to pay should be refused a meal.

155. Since 2006, the CHASE Fund has provided financing for a Project in which the Jamaica Dairy Farmers Federation distributes milk to 354 basic schools in the parishes of Kingston, St. Andrew, and St. Catherine (20,000 beneficiaries).

### **The right to adequate housing**

156. There has been a general improvement in housing conditions. The major components which show improvements were the Use of Block and Steel as a Construction Material, Electricity for Lighting, Exclusive Use of Toilet Facilities and Exclusive Use of Kitchens. The Housing Quality Index (HQI), which has been used to measure the status of the quality of housing in Jamaica, has made steady gains, moving from 58.5 in 1996 to 68.1 in 2007.

157. Housing-related policies include the work towards the development of a *National Housing Policy and Implementation Plan*, the review of the *Joint Venture Policy* and amendments to the *Mortgage Insurance Act and Regulations*.

158. In 2007, the vast majority of dwelling types were in the category Separate House Detached. This dwelling type has been the dominant choice for households over the period 1997–2007 (table 8) and in all regions (table 9).

Table 8

**Percentage distribution of dwelling types, 1997–2002, 2004, 2006 and 2007**

<i>Dwelling type</i>	1997	1998	1999	2000	2001	2002	2004	2006	2007
Separate house, detached	74.9	73.9	74.3	78.5	74.2	82.0	84.3	78.6	80.6
Part of house	16.2	15.5	15.6	15.5	18.7	6.5	7.3	10.3	10.0
Semi-detached house	4.7	7.0	5.1	3.5	3.5	6.6	4.5	5.3	6.0
Apartment/townhouse	3.4	2.8	4.2	1.9	2.7	4.1	3.1	5.0	3.0
Part of commercial building	0.5	0.4	0.5	0.3	1.0	0.5	0.7	0.8	0.5
Part of impoverished building	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0.1	0.1
Other	0.4	0.2	0.1	0.2	0.5	0.3	0.0	0.0	0.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* Jamaica Survey of Living Conditions 2007.

n.a.: not available.

\* Question fielded for the first time in 2006.

Table 9

**Percentage distribution of selected dwelling types by region, 2007**

<i>Type of dwelling</i>	<i>KMA</i>	<i>Other towns</i>	<i>Rural areas</i>
Separate house	63.4	83.4	92.2
Semi-detached house	15.2	3.0	0.4
Part of house	14.4	11.1	6.0
Apartment/townhouse	6.8	2.0	0.4

*Source:* Jamaica Survey of Living Conditions 2007.

159. In Jamaica, most dwellings are small and based on the international standard that the accepted number of persons per habitable room is 1 to 1.01 persons. In 2007, one-half of Jamaican households (51.2 per cent) had one or less person per habitable room,<sup>3</sup> increasing slightly by 1.3 percentage points between 2004 and 2006. The highest proportion of households with one or less persons per habitable room was in the Rural Areas (42.19 per cent) followed by the Kingston and Metropolitan Area (35.67 per cent) and Other Towns (22.14 per cent). Of all the households in the Kingston and Metropolitan Area, 54.5 per cent have one or less persons per habitable room. In Other Towns, the figure is 52.1 per cent and in Rural Areas, 49.1 per cent of households have one or less persons per habitable room.

160. The majority of Jamaican households, 59.8 per cent in 2007, lived in their own house. The percentage of households living in their own house has remained relatively. However, a distinction must be made between owning the house in which one lives and the

<sup>3</sup> Habitable room includes those used for general living purposes such as sleeping and eating. Excluded are garages, kitchens, bathrooms, toilets, verandahs, passageways and the like.

land upon which that house is built as some households own the house but have no formal tenure for the land. In respect of land tenure, it is estimated that only some 55 per cent of total land parcels in Jamaica is registered, with only 400,000 of the 750,000 parcels on the valuation roll being included in the Register Book of Titles. The Land Administration and Management Programme (LAMP) has been created to assist Jamaicans to obtain a registered title. *The Registration of Titles, Cadastral Mapping and Tenure Clarification (Special Provisions) Act, 2005 (SPA)* is one of the key outputs of the programme. Under the Act, all fees and charges related to applications to register land are based on the value of the property as it appears on the Property Tax Roll, as against the current situation where all such payments are based on the improved value of the property. In addition, the Act makes provision for the waiver of all Transfer Tax and Stamp Duty as they relate to applications to register land. Exemption is also granted for the payment of Court fees in Probate and Administration of deceased estates.

161. LAMP has been extended beyond the borders of the pilot parish of St. Catherine to the entire parishes of Clarendon, St. Thomas and St. Elizabeth, as well as parts of Manchester and St. James.

162. Rented/Leased housing accounted for 20.7 per cent of the tenure status of households in 2007. This category increased from 23.3 per cent in 1996 to 27.1 per cent in 1997 but has been declining slowly since 1997.

163. Rent-free housing, which has been increasing since 1999 with the largest increase occurring between 2002 and 2004, experienced a decline from 19.3 per cent in 2004 to 19.0 per cent in 2007.

164. The analysis by quintile revealed that a much higher proportion of households (65.9 per cent) in the poorest consumption quintile owned their units than in the wealthiest quintiles (57.0 per cent). Conversely, renting a home was higher among the more affluent households (25.7 per cent and 20.8 per cent in quintiles 5 and 4 respectively) compared with 10.3 per cent in the poorest quintile (table 10).

Table 10  
**Percentage distribution of households by tenure status by region, 2007**

<i>Type of tenure</i>	<i>KMA</i>	<i>Other towns</i>	<i>Rural areas</i>
Owner occupied	46.7	63.6	67.9
Rent-free	18.7	14.2	21.6
Rented	30.2	20.8	8.8
Squatter	0.9	0.2	0.2
Other	0.0	0.0	0.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* Jamaica Survey of Living Conditions 2007.

165. Approximately two-thirds (64.3 per cent) of households in 2007 had access to a flush toilet. The proportion had increased since 1997, when it was 58.1 per cent (table 11). A considerable proportion of households (34.6 per cent) still rely on pit latrines although this declined from 41.4 per cent in 1997.

Table 11  
**Type of toilet facilities, 1997–2002, 2004 and 2006 (per cent)**

Type of facility	1997	1998	1999	2000	2001	2002	2004	2006	2007
Water closet	58.1	56.6	59.1	62.2	61.8	59.2	63.8	64.9	64.3
Pit latrine	41.4	42.8	40.4	37.6	36.5	40.6	36.1	33.3	34.6
Other	0.4	0.6	0.2	0.2	0.4	0.1	0.1	1.8	1.1
None	0.0	0.0	0.3	0.0	1.3	0.0	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: Jamaica Survey of Living Conditions 2007.

Note: Figures have been rounded.

### Homelessness

166. Preliminary findings from the most recent study<sup>4</sup> of the homeless in Jamaica revealed that there were some 645 homeless persons living in Jamaica in 2006.

167. The Board of Supervision, Department of Local Government, has the mandate to provide oversight for homelessness in Jamaica. It works with several government and NGOs to provide for the needs of the homeless. The Board of Supervision, through multi-stakeholder collaboration, has drafted a national strategy on homelessness, entitled “*Ending Chronic Homelessness in Jamaica – 5 Year Strategic Plan*”. The strategic plan embodies a holistic approach to addressing chronic homelessness, which includes addressing the factors that contribute to homelessness, provide suitable housing solutions and address other needs.

168. The Local Authorities are the main implementing entities for Homeless Programmes in their respective parish. Other Government bodies, however, provide services to the homeless. At the parish level initiatives to address homelessness include interventions such as care centres, night shelters and feeding programmes. Only 7 of the 14 parishes: Kingston and St. Andrew, Portland, St. James, Westmoreland, Manchester and Clarendon have established programmes to care for the homeless. The continued support of NGOs, service clubs, community and faith based organizations, and private individuals have been critical to the implementation of the homeless programmes.

169. The challenges faced in respect of homeless programmes include the following:

- The lack of sufficient funding to support existing and future parish programmes
- The absence of facilities/programmes in some parishes to meet the needs of homeless persons
- The lack of information on the services provided by organizations to ensure the effective coordination of programmes
- The lack of current data on homelessness in the country

### The right to water

170. The measures taken to ensure adequate access to water include the following:

- The Ministry of Water & Housing’s (MWH) “*Jamaica Water Sector Policy Strategies & Action Plans*” which speaks to Universal Access to Potable Water for all citizens by 2015.

<sup>4</sup> PIOJ. An Evaluation of Homelessness in Jamaica. (Final report being completed).

- The implementation by the MWH of new water supply schemes including the:
  - Kingston Water & Sanitation Project
  - Kingston Metropolitan Water Supply & Rehabilitation Project
  - Santa Cruz Water Supply
  - Braco to Runaway Bay Water Supply
  - Port Antonio Water Supply & Sewerage project
  - Well Rehabilitation
- The establishment since 2004 of the Rural Water Supply Limited (RWSL), a company dedicated to the provision of water to rural Jamaica, that has implemented numerous small, financially non-viable Water Supply Systems. The MWH has also experimented with the concept of Community Managed Water Supply Systems in rural areas, through the Inter-American Development Bank (IDB) funded Rural Water Programme (RWP).

171. The percentage of dwellings having access to piped drinking water remained fairly constant over the period 1996 to 2007, while the proportion of households relying on Public Standpipes declined from 14.9 per cent in 1996 to 6.4 per cent in 2007 (table 12).

Table 12

**Percentage distribution of source of drinking water 1996–2002, 2004, 2006 and 2007**

<i>Source of water</i>	1996	1997	1998	1999	2000	2001	2002	2004	2006	2007
Piped water	66.8	66.1	65.7	67.6	66.6	70.9	64.5	68.2	67.8	70.2
Public standpipe	14.9	15.1	14.2	15.3	13.2	13.1	12.1	9.5	6.7	6.4
Truck/bottled water	n/a	n/a	n/a	n/a	n/a	n/a	1.9*	1.8	2.8	2.1
River/spring/pond	2.3	3.8	4.4	3.2	3.2	3.1	3.3	4.1	3.9	4.0
Rainwater (tank)	12.9	11.4	13.1	10.5	11.7	11.6	15.3	7.9	15.4	14.1
Well/other	3.1	3.5	2.6	3.5	5.4	1.3	3.0	2.3	3.5	3.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* Jamaica Survey of Living Conditions 2006 and 2007.

*Note:* Figures have been rounded.

n/a: not applicable.

\* Question fielded for the first time in 2002.

172. Although the water rates charged by private water providers are not controlled by the Government, measures are taken to ensure affordability. For example, through the Ministry's water utility, the National Water Commission (NWC), the Ministry has offered a lifeline of three thousand gallons (3000 gal.) at a subsidized rate. This is more than the minimum requirement as stipulated by the World Health Organization (WHO).

173. With respect to the quality of water, the National Water Commission (NWC) does its own water quality monitoring, adhering to the standards established by the Ministry of Health (MOH). The MOH does independent verification of water quality data.

174. Public education campaigns are initiated by the Ministry of Water & Housing's agencies, such as the NWC and the Water Resources Authority (WRA), to encourage the proper storage and safe usage of water, minimize wastage and protect water sources. The

NWC is more focused on the national campaign while the WRA's focus is on schools and institutions. The protection of watersheds is the purview of the Forestry Department.

## **Article 12**

### **Physical and mental health**

175. Although Jamaica has had a long history of good quality health care at a low cost, various factors, including the changing patterns of diseases, rising health care costs and staff shortages, have all contributed to the identification of the need to re-examine the principles of the primary health care concept and to renew it for the improvement of the health services. The renewed primary health care approach will inform the development of the health sector, and in that regard, will be mainstreamed within the proposed national health policy that is to be formulated as part of the Ministry of Health's short-term priority action plan.

#### **National Strategic Plan**

176. The Ministry of Health (MOH) has a five-year strategic planning cycle. A new National Strategic Plan for 2006–2010 took effect in April 2006 and guides the Ministry's operations over the period. The Strategic Plan is aimed at implementing the policies and priorities of the Government for the health sector. It reflects national, regional and international development guidelines, and uses a participatory approach with extensive stakeholder consultations to obtain consensus on a broad range of health-related issues. Priorities for the health sector include reducing/controlling the spread of HIV/AIDS; focusing on Maternal and Child Health, for example, reducing maternal mortality; and implementing the Healthy Lifestyle Policy, promulgated in 2004, to control the incidences of Chronic Non-Communicable Diseases (CNCDS) that are lifestyle related.

#### **Primary health care**

177. The Ministry of Health has established a Primary Health Care Committee to develop a strategic plan for implementing primary health care. The overall objective will be to contribute to the development of a strengthened effective and efficient health service in Jamaica. The specific objectives will be:

- To develop the concept, framework and structure for a renewed primary health care system in Jamaica and the services to be provided
- To document the policy and legislative framework needed to support the implementation of the renewed system to identify the gaps in health care and in order to document the immediate, short, medium and long term needs for implementing a renewed primary health care system in Jamaica
- To develop a Strategic Plan for the implementation of a comprehensive and renewed primary health care system in Jamaica

#### **Abolition of user fees**

178. On 1 April 2008, the Government abolished user fees for all public health facilities, except for the University Hospital of the West Indies. The universal abolition of fees came one year after user fees for children were removed. The policy is intended to improve access to health services for all Jamaican nationals resident in Jamaica. Jamaica is among a number of developing countries that have abolished fees whether incrementally or universally.

179. Under this policy, specific diagnostic and treatment services are exempt from fees and are provided to public patients within the public health care system. These services include primary surgical operations, hospitalization, dialysis, radiological services and in-patient medical supplies.

180. The imperatives that informed the abolition of user fees policy are as follows:

- The user fees policy has been shown to be regressive and a major impediment to access to health. The Jamaica Survey of Living Conditions 2007 shows that 50.8 per cent of the poorest quintile who reported an illness did not seek health care because they could not afford so to do.
- User fees have increased poverty because they reduce the disposable incomes of the poor and deplete their asset base.
- The user fees policy impacts negatively on utilization resulting in deteriorating health outcomes, increased morbidity and reduced life expectancy.

181. Implementation has been largely successful with an average increase of 30 per cent in the utilization of services, despite capacity constraints. The increases are as follows for the period April to December 2008 when compared to the corresponding period of 2007: (a) admissions at hospital of 1.4 per cent; (b) utilisation at pharmacy of 3.2 per cent; (c) surgeries of 4.0 per cent; (d) health centre visits of 9.4 per cent; (e) outpatient visits of 17.6 per cent; visits to Accident & Emergency: declined by 3.7 per cent. Several services have been enhanced, including access to drugs.

182. A number of measures were instituted to counter the effects of this policy change. The Ministry of Health projected that additional resources would be required to replace the fees previously collected and to finance the cost of increased utilization. The Ministry of Finance was requested to finance the additional costs involved, including for increased use of commodities, for drugs accessed by public patients and for staff overtime work.

183. The trend in patient utilization shows the following characteristics:

- A sharp uptake in the first three months
- A levelling-off in some areas for the second three months
- A decline in some areas in the latter three months of September to December of 2008

### **Infant mortality**

184. In an effort to reduce the stillbirth rate, infant mortality and provide for the healthy development of the child, the *Strategic Plan on Safe Motherhood Programme (2007–2011)* was developed. The Plan includes all the components of safe motherhood and is divided into four specific areas: an enabling policy environment, quality of care, surveillance, and health promotion. Jamaica's Reproductive Health Programme has also been strengthened with the support of technical co-operation from agencies such as the United Nations Population Fund (UNFPA), the United States Agency for International Development (USAID) and the Pan American Health Organization (PAHO).

185. Achievements in the area of reducing infant mortality include:

- Continued routine antenatal clinics with an average of four visits per client.
- On-going in-service education for doctors and nurses on safe motherhood and reproductive health.
- The use of antenatal registers to document all clients and identify high-risk women.



- The use of a referral system from primary care to high-risk antenatal clinics or to the types A and B hospitals in all parishes for continued care.
- The implementation in all parishes of weekly high-risk antenatal clinics conducted by Obstetricians or Obstetric residents.
- The introduction in most parishes of home visits to antenatal women and high-risk antenatal clients within 1-week post delivery.
- The introduction of a system for antenatal clients to bypass the Casualty Department and be seen directly on the labour ward in the Types A and B hospitals after 24 weeks of pregnancy if there are problems.
- The introduction of the “Act Now” cards given to *all* antenatal clients detailing the danger signs in pregnancy. The Card is now included in a maternal record booklet that is distributed to expectant mothers conveying health education messages and general information on preparing for pregnancy.
- The expansion and equipping of the maternity wards in some type B hospitals (Spanish Town, Mandeville, St. Ann’s Bay) and the up-grading of some type C facilities such as Annotto Bay, Princess Margaret and May Pen Hospitals to include Obstetricians and/or Paediatricians on staff.
- The placement of additional Obstetric staff at St. Ann’s Bay and Savanna-la-mar Hospitals.
- The establishment of a system both in hospitals and at the regional level to routinely review all maternal deaths, including the social factors pertaining to delays in seeking and accessing care.
- The change in legislation to make the emergency contraceptive pill an over-the-counter (List 2) drug to improve access and help in reducing total fertility.
- The development of a system of surveillance for maternal deaths following its classification as a Class 1 notifiable event in 1998.
- The auditing since 2002 of eclampsia cases at the Victoria Jubilee Hospital to review case management.
- The distribution of WHO IMPAC guidelines on the Management of Obstetric Emergencies to all hospitals.
- Conducting a Criterion Based Clinical Audit of Obstetric care in the Type B hospitals, including through:
  - A revision of the Obstetric Record in hospitals for improvement in data collection and analysis.
  - The development of Obstetric Emergency Guidelines to be printed shortly.

186. By way of information, Hospitals are classified as types A, B and C according to the level of service and the size of the population served. Type C Hospitals are basic district hospitals which provide in-patient and out-patient services in general medicine, surgery, child and maternity care. Basic X-ray and laboratory services are usually available.

187. Type B Hospitals are situated in the larger urban centres. They provide in-patient and out-patient services in the four basic specialities: general surgery, internal medicine, obstetrics and gynae, and paediatrics.

188. Type A Hospitals are multi-disciplinary. They are the final referral points for secondary and tertiary services. The Kingston Public Hospital (KPH) and Cornwall Regional Hospital are examples of such institutions.

### Infant mortality rates, immunization and life expectancy

#### Infant mortality rate 2006

Male – 16.66 deaths per 1,000 live births

Female – 15.27 deaths/1,000 live births

Average – 15.98 deaths per 1,000 live births

Infant Mortality Rate ... 19.9/1,000 live births (no year)

Child Mortality Rate ... 25/1,000 live births

Maternal Mortality Ratio ... 95/100,000 live births

Approximately 97 per cent attended by trained personnel at birth

#### The number of infants immunized against the following diseases for 2007

0–11 months

Poliomyelitis – 40,086

Tuberculosis (BCG) – 41,334

Diphtheria, Pertussis, Tetanus (DPT+DT) – 40,182

12–23 months

Poliomyelitis – 927

Measles, Mumps and Rubella – 38,797

Tuberculosis (BCG) – 65

Diphtheria, Pertussis, Tetanus – 851

189. There is no disaggregation of data by Gender. However, the following parish figures (2007) are available:

Table 13

#### Parish coverage for 0–11 months

	<i>BCG</i>	<i>Poliomyelitis</i>	<i>DPT+DT</i>
KSA	11 593 (102.78%)	9 439 (83.69%)	9 449 (83.78%)
St. Thomas	1 339 (79.42%)	1 363 (80.84%)	1 365 (80.96%)
Portland	810 (55.40%)	1 106 (75.65%)	1 106 (75.65%)
St. Mary	1 284 (65.48%)	1 785 (91.02%)	1 785 (91.02%)
St. Ann	3 498 (113.1%)	2 844 (92.01%)	2 853 (92.30%)
Trelawny	1 040 (69.89%)	1 291 (86.76%)	1 290 (86.69%)
St. James	3 088 (86.38%)	3 028 (84.70%)	3 025 (84.62%)
Hanover	1 121 (79.06%)	1 107 (78.07%)	1 109 (78.21%)
Westmoreland	2 615 (92.60%)	2 307 (81.69%)	2 302 (81.52%)
St. Elizabeth	1 792 (63.28%)	2 516 (88.84%)	2 516 (88.84%)
Manchester	3 150 (98.84%)	2 659 (83.43%)	2 683 (84.19%)
Clarendon	3 464 (76.81%)	3 713 (82.33%)	3 710 (82.26%)
St. Catherine	6 540 (82.01%)	6 928 (86.87%)	6 989 (87.64%)

Table 14  
**Parish coverage for 12–23 months (2007)**

	<i>BCG</i>	<i>Poliomyelitis</i>	<i>DPT+DT</i>	<i>Measles, mumps and rubella</i>
KSA	10 (0.08%)	350 (3.10%)	276 (2.31%)	9 138 (76.37%)
St. Thomas	2 (0.11%)	9 (0.53%)	9 (0.50%)	1 273 (70.06%)
Portland	0 (0.00%)	12 (0.82%)	11 (0.79%)	1 074 (77.21%)
St. Mary	1 (0.05%)	7 (0.36%)	13 (0.62%)	1 747 (82.68%)
St. Ann	3 (0.09%)	33 (1.07%)	43 (1.30%)	2 649 (80.22%)
Trelawny	0 (0.00%)	10 (0.67%)	123 (8.47%)	1 219 (83.90%)
St. James	6 (0.15%)	45 (1.26%)	54 (1.37%)	3 031 (76.77%)
Hanover	0 (0.00%)	9 (0.63%)	9 (0.62%)	1 113 (76.23%)
Westmoreland	10 (0.32%)	50 (1.77%)	32 (1.02%)	2 261 (72.14%)
St. Elizabeth	2 (0.07%)	53 (1.87%)	52 (1.85%)	2 428 (86.28%)
Manchester	1 (0.03%)	41 (1.29%)	19 (0.57%)	2 638 (78.56%)
Clarendon	11 (0.23%)	84 (1.86%)	90 (1.88%)	3 628 (75.88%)
St. Catherine	19 (0.20%)	224 (2.81%)	120 (1.28%)	9 598 (70.22%)

KSA (Kingston and St. Andrew).

#### **Life expectancy at birth 2006**

Male – 71.54

Female – 73.03

Average – 73.24

*Source:* Ministry of Health.

#### **Support for rural women**

190. Since 1997, the Bureau of Women's Affairs, through committed partnerships with the Ministry of Health, the Caribbean Medical Mission Team and sponsorship from private sector entities, has been hosting rural clinics to address the specific health needs of rural communities, in general, and rural women, in particular. Two rural clinics were held in February of 2008, the objective of which was to sensitize communities to health issues, promote attitudinal change towards healthy lifestyle practices and provide free health care and medication to the neediest in rural communities, the majority of whom are poor female heads of households.

191. Over 1,300 rural women also benefit from free cancer screening through a cancer care campaign launched by a private financial agency and the Jamaica Cancer Society. These rural women benefit from mobile mammography and pap smears, as well as blood pressure checks and diabetes tests. The Mobile Mammography Unit was purchased to specially provide screening for rural women.

192. Of the 129 rural women who participated in the 2009 'Safe Sex' week of activities, 31 or 30.2 per cent did voluntary HIV testing and another 63 or 48 per cent accessed Pap Smears and Mammography services, respectively. All the collaborating partners provided information on family planning and sexual and reproductive health as part of the information sharing and educational aspects of the clinics in order to increase knowledge and raise awareness.

193. The Bureau of Women's Affairs, through its Community Outreach programme, has also been integrally involved in sensitization and awareness-raising sessions on HIV/AIDS and the Female Condom in 4 rural regions, with over a thousand (1,729) rural women participating. This was a coordinated and systematic prevention initiative to address the increasing prevalence of HIV and AIDS, especially in rural communities. As a result, requests for sensitization sessions, which present information by way of dramatic presentations, participatory role plays and anatomical props, have dramatically increased.

#### **Special care for the elderly**

194. The Government has put several measures in place in an effort to ensure that the rising cost of health care does not lead to an infringement of the rights of the elderly under this article. These include the Health Insurance (NI Gold), and the healthcare subsidies that are offered through the National Health Fund (NHF), the Jamaica Drugs for the Elderly Programme and the Government Pensioners Health Scheme that seek to target the elderly and persons with chronic illnesses. With the advent of the abolition of user fees, the elderly are not required to pay for the cost of diagnostic testing. The concept of 'elder' friendly health centres has also been instituted and there is an effort to re-orientate the health sector through the training of various health care workers on caring for the elderly.

#### **Persons with disabilities**

195. The Jamaica Council for Persons with Disabilities has a Sexual and Reproductive Health (SRH) Window to further expand access to contraceptives to persons with disabilities. In addition to the provision of contraceptives, the facility also provides counselling and referrals. It is incorporated into the National Family Planning Board's (NFPB) outreach programme and receives periodic visits by the NFPB nurse as well as contraceptive supplies. Having opened the Window, the JCPD has now expanded sexual and reproductive health (SHR) service to 11 urban and rural locations. As a result of further training in contraceptive counselling and working with persons with disabilities, 76 community rehabilitation workers are now equipped with the necessary skills in this particular area.

#### **Community participation in planning, organization, operation and control of primary health care**

196. The Government believes that community participation is an important feature of primary health care services. To this end, all parishes integrate community representatives in their operations and in the organization of events. Many community based organizations contribute to the health sector by donating gifts and services.

197. Community representatives are also involved in parish committees, established in 1997 under the *National Health Services Act*, in particular in the management of regional health authorities. Paragraphs 3 and 4 of the Regulations establish how committee members are appointed and the duties of the committee.

198. Paragraph 3 stipulates that:

"Each Parish Committee shall consist of not less than thirteen nor more than fifteen members as the Minister may from time to time appoint. The members of each such Parish Committee shall be:

- The Parish Manager, who shall also be the Secretary to the Committee
- The Medical Officer of Health for the parish

- Where there are hospitals in the parish other than a regional hospital, the Chief Executive Officer of a hospital other than a regional hospital in that parish
- Two representatives of the Regional Health Authority who shall be the Regional Director or Regional Technical Director, and a nominee of the Chairman of the Regional Health Authority
- Two representatives of the Local Board of Health for the parish
- One representative of health workers, who works within the parish
- One representative of health workers, who works within the parish, but does not work in a hospital in the said parish
- Not less than four nor more than six community members, resident in the parish, selected by the Minister from (but not limited to) the following arms of endeavour – engineering, law, management or entrepreneurship, finance, sociology and the clergy”

199. Paragraph 4 stipulates as follows:

“Subject to any general directions given by the Board of the Regional Health Authority to the Committee, each Committee shall have responsibility for:

- Advising the Regional Health Authority on all matters of health in the parish
- Planning and monitoring the delivery of health services in the parish
- Taking initiatives to promote health in the parish
- Managing the expenditure of all funds forwarded by the Regional Health Authority for the use of the parish, and
- Such other matters as the Minister may from time to time, in writing, direct”

200. Parish Committees, therefore, represent another arm of the Regional Health Management System at the parish level incorporating the expertise of a wide cross section of professions and community involvement. They are given wide powers in conjunction with the Regional Health Authority in determining the management and delivery of health services at the community level.

#### **Issue of abortion**

201. As requested by the Committee following its consideration of Jamaica’s second periodic report, please see information concerning the issue of abortion.

202. A national family planning programme is in place which includes public education (using a range of media) and the provision of contraceptives at no cost in some 360 primary care centres which are geographically dispersed to promote accessible services.

203. An emergency contraceptive pill (Levonorgestrel 0.75 mgm) has been approved for purchase from pharmacists without a prescription. The product is also available in public sector clinics where nurse practitioners are employed. A policy is in place to enable those who have no objection, to administer the product. Prompt and appropriate post abortion care is also available.

204. The Ministry of Health has convened an Advisory Committee on Abortion to review the current laws on abortion and to make recommendations accordingly. Some of the recommendations that have emerged and are currently being reviewed by a Joint Select Committee of the Houses of Parliament concern the circumstances under which induced abortion would be legal, specifying the skills required to perform the procedure and ensuring that the environment in which the procedure is done conforms to acceptable standards.

#### Data on abortion

205. Maternal Morbidity figures known to the Ministry of Health are for those women who are treated at the University Hospital of the West Indies and Government hospitals. Since the total maternal morbidity figure for Jamaica (including private doctors and private hospitals) is not known, the morbidity rate attributed to complications from abortions is also not known.

206. However, the total discharges from Government hospitals and from the University Hospital of the West Indies that were due to complications from abortion (based on information from coded patient records) is provided given in table 15. Table 15 also shows the number of maternal deaths as per maternal surveillance system and captures all deaths that are pregnancy related, including deaths from any type of abortion (legal or illegal). For three years 2001, 2004, 2005, respectively, there was one maternal death for each year that was associated with abortion. There was no indication in the data provided whether this death resulted from a legal or illegal abortion.

207. Table 16 gives all maternal discharges; complications and non-complications. (The latter could, for example, be normal birth without complications).

Table 15

#### Maternal surveillance data for 2001–2007

<i>Year</i>	<i>Number of females dying in Jamaica by year*</i>	<i>Total maternal deaths of which MOH was notified</i>	<i>Total for which a report was received</i>	<i>Deaths due to abortion</i>
2001	8 120	36	35	1
2002	7 754	38	34	0
2003	7 654	36	21	0
2004	7 695	33	30	1
2005	8 079	48	37	1
2006	7 043	45	39	0
2007		40	-	-

*Source:* Ministry of Health.

\* Total female deaths from all causes reported in STATIN Demographics Statistics (several years).

Table 16  
**Discharges from Government hospitals and from the University Hospital of the West Indies that are related to complications of abortions**

	<i>Spontaneous abortion (miscarriages)</i>		<i>Legal abortions done in hospitals</i>		<i>Complications of abortions other than those legally done in hospitals</i>	
	<i>Discharges</i>		<i>Discharges</i>		<i>Discharges</i>	
	<i>Number of abortions (miscarriages)</i>	<i>Complications</i>	<i>Number of abortions</i>	<i>Complications</i>	<i>Number of abortions*</i>	<i>Complications</i>
2003	647	41	43	5	-	1 441
2004	718	29	11	2	-	1 094
2005	745	45	21	1	-	1 074
2006	722	48	11	2	-	1 080

*Source:* Ministry of Health.

\* Illegal abortions are not reported, unless the woman presents at a government health care facility for a complication. Complications would be known from patient's history/from medical examination findings on admission.

Table 17  
**All maternal discharges from Government hospitals and UHWI**

	<i>Year</i>			
	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Maternal discharges due to complications of pregnancy	31 521 (of these 1 487 due to complications of abortion)	31 516 (of these 1 125 due to complications of abortion)	32 144 (of these 1 120 due to complications of abortion)	24 472 (of these 1 130 due to complications of abortion)
Maternal discharges <i>not</i> due to complications	19 121	24 467	25 698	30 959
<b>Total discharges for which a diagnosis is reported</b>	<b>50 642</b>	<b>55 983</b>	<b>57 842</b>	<b>55 431</b>

*Source:* Ministry of Health.

208. There is no specific database for the various classifications of abortions. Abortions are not notifiable events; therefore, the MOH is not informed of self-induced abortions, legal abortions done at private hospitals or those done by medical or non-medical persons. The data that is captured by the Ministry of Health are those complications that are treated in the public hospitals and are coded as complications of abortion, as distinct from legal abortions done in public and also distinct from spontaneous abortions (miscarriages) (see table 16) above.

209. Specifically, "botched" illegal abortions are not "reported" to the MOH or to public hospitals. The source of the complications would be known to the hospital from patient's history/from medical examination findings on admission. The statistics given in this report are from summaries of patient's diagnosis that are coded on discharge of patients.

210. Pertinent data is also provided in table 18.

Table 18

**Discharges from Government hospitals and University Hospital of the West Indies for maternal conditions, 2003–2006**

<i>Diagnosis</i>	<i>Year</i>			
	2003	2004	2005	2006
<b>* Total maternal discharges (coded patient records with final diagnoses)</b>	<b>50 642</b>	<b>48 451</b>	<b>48 273</b>	<b>36 000</b>
<b>** Total maternal discharges (coded and non-coded patient records)</b>	<b>56 072</b>	<b>55 983</b>	<b>57 842</b>	<b>55 431</b>
Coded patients records as % of coded and non-coded (maternal discharges)	90.3	86.5	83.5	64.9
Discharges due to maternal complications (coded patient records):				
Oedema, proteinuria & hypertensive disorders in pregnancy	3 138	3 211	3 609	2 191
Other complications of pregnancy & delivery	13 227	13 061	13 043	10 291
Postpartum haemorrhage	516	442	562	305
Complications predominantly related to the puerperium	1 599	1 493	1 708	1 225
Obstructed labour	596	437	520	363
Other maternal care related to fetus & amniotic cavity	7 889	7 884	7 962	6 053
Other pregnancies with abortive outcome***	3 344	3 789	3 545	2 988
Medical abortion	43	11	21	11
Spontaneous abortion	647	718	745	722
Placenta praevia, premature separation of placenta	522	470	429	323
Maternal discharges due to complications associated with pregnancies	31 521	31 516	32 144	24 472
Maternal discharges not due to complication associated with pregnancies (example, normal delivery)	19 121	24 467	25 698	30 959
<b>Total discharges for which diagnosis is reported</b>	<b>50 642</b>	<b>55 983</b>	<b>57 842</b>	<b>55 431</b>

*Source:* Ministry of Health.

\* This represents a count of individual patient records. These records were coded in order to obtain the final diagnoses (medical condition) upon discharge.

\*\* This represents the total obstetric conditions that were discharged (including patient records not coded).

\*\*\* Includes ectopic pregnancies, molar, hydatidiform molar pregnancies. (These are not induced abortions).

### **HIV/AIDS in Jamaica**

211. As recommended by the Committee in its concluding observations on Jamaica's Second Periodic Report, please see below information concerning the situation of HIV/AIDS in Jamaica, including in respect of sexual and reproductive health.

212. The epidemic in Jamaica has features of both a generalized and concentrated epidemic, with an HIV prevalence of 1.3% in the adult population – around 25,000 persons as of 2007. It is estimated that almost two-thirds of HIV infected persons are unaware of their status. Higher HIV prevalence has been recorded for vulnerable groups such as SW (sex workers) – 9 per cent, MSM (men who have sex with other men) (25–30 per cent),



persons with STI's 3.6 per cent (Sexually Transmitted Infections), and crack cocaine users – 5 per cent.

213. Surveillance data indicates that the HIV epidemic in Jamaica is driven by a combination of sociocultural, behavioural and economic factors. The most recent national Knowledge, Attitudes, Behaviour and Practices (KABP) survey conducted in 2004 revealed a persistence of risky behaviours such as multiple partners (50 per cent men) and participation in transactional sex (20 per cent of men and women). Risky behaviour is also evident among adolescents, as the median age of first sexual experience declined to 15.7 (males) and 17.2 (females) in 2004. A 2005 survey of in-school adolescents (10 to 15 years old) reported that 12 per cent of those surveyed admitted to being sexually active.

214. Over the past two years there has been a significant decline in AIDS deaths and mother-to-child transmission of HIV.

#### **Administrative measures**

215. The Jamaica National HIV Programme aims to strengthen the national response to HIV by implementing strategies to achieve universal access to prevention, treatment, care and support. These strategies include:

- The development and implementation of a National HIV Policy
- The development of HIV policies in various sectors, including the workplace
- The sensitization and identification of advocates among high-level leadership
- Upgrading prevention services, including intervention for persons most at risk for HIV infection, targeted community interventions and social marketing
- Increased access to prevention services for adolescents by the development and implementation of a revised Health and Family Life Education (HFLE) curriculum to increase knowledge and skills which support risk reduction
- The expansion of HIV testing programmes to ensure early diagnosis of HIV infection, appropriate timing of treatment and access to positive prevention
- Increasing access to treatment for People Living with HIV (PLWHIV) and ensuring that services are of a high quality, and
- Reducing stigma and discrimination through sensitization and education, the use of mass media and establishment of mechanisms for monitoring reports and redress for cases of discrimination and the meaningful participation of PLWHIV

216. The above strategies are captured by 4 priority areas of a new strategic plan (2007–2012) which was drafted following inputs from stakeholder consultations, namely prevention, treatment care and support, enabling environment as well as empowerment and governance.

217. The National Programme also seeks to arrest the spread of HIV/AIDS by focusing on blood safety, anti-retroviral therapy coverage, prevention of mother-to-child transmission, co-management of TB and HIV treatment, HIV testing, prevention programmes, services for orphans and vulnerable children and education. Further information is provided below:

- Percentage of donated blood units screened for HIV on a quality assured manner 100 per cent

- Percentage of adults and children with advanced HIV infection receiving ARV therapy  
It is estimated that there are 600 Jamaicans living with advanced HIV  
50 per cent 2005 ARV Progr. monitoring  
53 per cent 2006  
61 per cent Nov 2007 (ARV. Progr. monitoring)
- Percentage of most-at-risk populations which have received an HIV test in the last 12 months and who know their results  
43 per cent of SW (2005 second generation surveillance of 450 female sex workers)
- Percentage of most-at-risk populations reached with HIV prevention programmes  
60 per cent of SW (2005 2<sup>nd</sup> generation surveillance)

### Knowledge and behaviour

- Percentage of most-at-risk populations who both correctly identify ways of preventing the sexual transmission of HIV and who reject major misconceptions about HIV transmission  
26.1 per cent of SW (2005 second generation surveillance)
- Percentage of women and men aged 15–49 yrs who have had sexual intercourse with more than one partner in past 12 months  
Men: 48 per cent  
Women: 11 per cent (2004 KABP)
- Percentage of above category reporting use of a condom during their last sexual intercourse  
Men: 66.9 per cent  
Women: 53.8 per cent (2004 KABP)
- Percentage of female sex workers reporting the use of a condom with their most recent client  
84.2 per cent (2006 second generation surveillance)
- Percentage of adults and children with HIV know to be on treatment 12 months after beginning ARV therapy  
75 per cent (2000 ARV monitoring)  
87.6 per cent (2007 ARV database)  
2007 data. Collected at 4 of 19 sites. Includes urban/rural and large/small ones.

### Prevention, knowledge and behaviour change

218. In 2006, funds were expended mainly for the following interventions: mass media and outdoor advertising campaigns, procurement of condoms, a special intervention (Priorities for Local AIDs Control Efforts (PLACE)), Targeted Community Interventions, as well as special activities for Safer Sex Week and World AIDS Day. Special emphasis is also being placed on the procurement of ARV drugs, rapid test kits, infant formula and STI and OI Drugs, Reagents for PCR test and Viral Load test, medical equipment and supplies, waste management supplies, civil works for treatment sites, and monitoring and evaluation activities.

219. The Multiple Indicators Cluster Survey (MICS) conducted in 2005 suggests that women are increasingly aware of myths pertaining to HIV as most women 15 to 29 years old surveyed in 2005 knew that HIV cannot be transmitted by mosquitoes and that a healthy

looking person can have HIV. The composite indicator of knowledge of HIV prevention and rejection of myths also showed improvement in the 2005 MICS as approximately 60 per cent of women aged 15 to 49 years old were able to identify 2 prevention methods and reject 3 misconceptions in 2005 compared to 47 per cent in 2004.

		<i>Per cent who know that:</i>			
		<i>HIV cannot be transmitted by supernatural means</i>	<i>HIV cannot be transmitted by mosquito bites</i>	<i>A healthy-looking person can be infected</i>	<i>Reject two most common misconceptions and know a healthy-looking person can be infected</i>
<b>Total urban</b>		<b>94.2</b>	<b>83.3</b>	<b>96.7</b>	<b>77.7</b>
Area	KMA*	95.5	85.5	96.4	80.1
	Urban	92.3	80.1	97.1	74.1
	Rural	93.4	78.4	94.0	72.6

220. As noted previously, there is an effort to establish a comprehensive programme of prevention services which achieves full coverage and aims to empower all sexually active men and women. These include:

- Targeted Community Interventions: the regional NHP teams work to mobilize local communities with high HIV transmission rates by engaging them in the design, implementation and evaluation of community-specific interventions.
- Targeted Interventions among key populations at high risk: activities with key populations at high risk include risk reduction counselling, screening for STIs, rapid testing for HIV, referral for treatment and distribution of condoms.
- Media campaigns: an abstinence campaign was developed and tested. The first run of an Adherence campaign concluded in June 2006. The campaign ran for three months on the two national television stations as well as four radio stations. Other campaigns being developed include the voluntary blood donor program, VCT expansion of testing and Friends helpline.
- Partnering with key line ministries, including the Ministry of Education, Ministry of National Security, Ministry of Labour and Social Security, and the Ministry of Tourism. This ensures a multisectoral response and facilitates HIV prevention activities in the various sectors. These partnerships have been productive and have led to increased ownership of the response by various ministries. For example, the Tourism Sector has developed a Workplace HIV/AIDS Policy that was approved by Cabinet in March 2007. An official launch of the Policy took place on 6 June 2007. To date, 200 copies of the Policy have been printed and 500 placed in CDs for distribution to the tourism entities. Additional copies will be printed at a later date.
- Partnering with the private sector and NGOs, including through alliances with the business sector such as the Business Council and the Jamaica Employers Federation, and facilitating workplace policies and programmes. The partnerships with NGOs are instrumental in establishing links to key groups at high risk.
- Social Marketing, Materials and Public Relations including development and distribution of numerous materials to raise awareness about HIV and promote safer sexual behaviour.
- The PLACE (Priority for Local AID Control Effort) randomized control trial. PLACE began as a mapping tool to accurately identify and characterize the locations

where people meet new sexual partners. PLACE was rolled out to different parts of the island. In addition, the National AIDS Programme, with assistance from the Monitoring and Evaluation to Assess and Use Results (MEASURE) Project, completed a randomized control trial comparing various interventions in locations identified through PLACE. The technical assistance from MEASURE was funded by USAID.

- The establishment of over 100 new non-traditional condom outlets, for example, at night clubs. Recent surveys show that although there is ready access to condoms, adolescents and MSM may be reluctant to seek condoms.
- The development of a National Medical Waste Management Policy and a strategy to manage medical waste by establishing facilities in each of the four health regions. Infectious waste disposal supplies have been procured.
- The island-wide expansion of HIV testing programme that has proven to be quite successful, with 2,251 VCT counsellors trained between 2004 and 2006 as well as 63 trainers, 11 advanced trainers and six master trainers. This resulted in a significant scale up of HIV testing. Provider initiated testing for all hospital admissions was also introduced in 2007.

### **Treatment, care and support**

221. It is estimated that of the 25,000 PLWHIV, two-thirds of infected persons are unaware of their status, and approximately 6,000 persons have advanced HIV and are in need of treatment. The public access to treatment programmes was established in September 2004 and in 2006 treatment guidelines were revised to include new options for second line therapy. Based on programme monitoring, 3,637 adults and children with advanced HIV (60 per cent of persons with advanced HIV) were on treatment at the end of October 2007. The impact of the treatment programme is reflected in surveillance data which shows a decrease in the number of AIDS deaths from 665 in 2004 to 432 in 2006.

222. Increased HIV testing, especially in key groups at high risk for HIV infection, has been a programmatic priority for the last two to three years as early diagnosis of HIV infection is recognized as a means for access to treatment and positive prevention. Expansion of the HIV testing programme has been achieved with the involvement of private laboratories (HIV testing without referral by health care provider), provider initiated testing, reduced cost of HIV testing, and opt-out testing for persons most at risk, including pregnant women, STI clinic attendees and hospital admissions. Activities to promote HIV testing and knowing one's status have been widespread and were reinforced in 2006 on World AIDS Day under the theme "*Stop AIDS. Keep the Promise – Get Tested*". Consequently, the number of HIV tests has increased from 80,00 in 2003 to over 130,000 in 2006 and the percentage of pregnant women tested for HIV has increased from 39 per cent in 2003 to 95 per cent in 2006.

223. A well established pMTCT programme has resulted in the provision of ARVs for 85 per cent of pregnant women delivering in the public sector and 93 per cent of HIV exposed infants in 2006. Guidelines for delivery of care to HIV infected mothers were revised in 2006 and now include High Active Anti-Retroviral Treatment (HAART) for HIV infected women. HAART is primarily funded by the Global Fund to fight AIDS, Tuberculosis and Malaria. However, nearly 20 per cent of women and 10 per cent of HIV exposed infants continue to escape the net of the current pMTCT programme due to late presentation to antenatal care (first point of contact when in labour) and failure to disclose HIV status when presenting to the health system.

224. HIV infected mothers sometimes refuse replacement feeds because of a fear that failure to breastfeed may be admission of one's status and HIV exposed infants are

sometimes lost to follow-up treatment. Education about the availability of services for pMTCT and the introduction of rapid testing on the labour wards are two strategies used to close this gap. In addition, the strengthening of the roles of members of the multidisciplinary team involved in the care of PLWHIV (social workers, psychologists, nutritionists and adherence counsellors) continue to be programme priorities.

225. Other activities undertaken to strengthen the treatment, care and support of PLWHIV from 2006 to 2007 include:

- The establishment of an additional treatment site (a total of 19 sites island-wide).
- The revision of treatment and pMTCT guidelines. Manuals were disseminated and training conducted for relevant health care workers on the revised guidelines, which are in keeping with international standards.
- The implementation of provider initiated testing for HIV as a routine strategy to increase access to HIV testing. Other strategies continued in 2006 include opt-out testing of pregnant women, hospital admissions, and STI clinic attendees; use of rapid testing on the labour wards; and decentralization of confirmatory HIV testing.
- The strengthening of the adherence programme through a revision of the adherence guidelines and continued support for adherence counsellors island-wide.
- Improving laboratory capacity to identify indicators of progression of infection/immune impairment (e.g. CD4 count and viral load).
- The involvement of civil society in the Care and Support of PLWHIV, increasing access to treatment and a better quality of life.
- The introduction of an electronic patient register at all treatment sites to facilitate monitoring persons receiving ARVs.

### **Major challenges and remedial actions**

#### *Access to key populations at high risk*

226. Some strategies which have contributed to a reduction in stigma and discrimination since 2005 are the sensitization of persons in various sectors, a successful mass media campaign against stigmatization of PLWHIV, development of HIV policies, including in all Government Ministries and targeted large enterprises, and advocacy among high-level leadership. The fear of being discriminated against, however, continues to impact the extent to which persons living with HIV/AIDS access treatment and in turn hamper the implementation of services for some persons at risk.

227. The following strategies are detailed in the new strategic plan to promote an enabling environment for PLWHIV:

- Maintenance of a multisectoral reporting and redress with an Advisory Group to monitor the reporting of cases of HIV-related discrimination
- Continued development and implementation of a discrimination reporting and redress system
- Anti-stigma campaigns
- Interacting with communities to reduce stigma and discrimination
- Development of a workplace policy for health
- Focus on appropriate services for adolescents
- Full implementation of the revised HFLE curriculum

- Meaningful involvement of PLWHIV
- Legal assistance for PLWHIV

*Need to expand the prevention programme*

228. The rapid upgrading of prevention programmes was a national priority in 2006 and resulted in an expansion of the HIV testing programme, mapping of high-risk populations, increased targeted community interventions, and capacity to conduct prevention activities.

229. The targeted 10-fold increase in prevention, however, has not been realized and further expansion will continue to be a priority.

230. The new strategic plan describes programming priorities in order to achieve universal access to prevention services. These include:

- Capacity-building for HIV prevention in all sectors
- Strengthening workplace and healthy lifestyle policies and a comprehensive HIV and AIDs response in the education sector
- Continued mass media campaigns
- Expanded VCT
- Implementing age-appropriate interventions

## **Articles 13 and 14**

### **Right to education**

231. Jamaica has a four-tiered education system — early-childhood, primary, secondary and tertiary — with children entering pre-primary from as early as three years old. The seven strategic objectives which guide the development of the educational sector are:

- To devise and support initiatives striving towards literacy for all in order to extend personal opportunities and contribute to national development
- To secure teaching and learning opportunities that will optimize access, equity and relevance throughout the education system
- To support student achievement and improve institutional performance in order to ensure that national targets are met
- To maximize opportunities throughout the Ministry of Education's purview that promote cultural development, awareness and self-esteem for individuals, communities and the nation as a whole
- To devise and implement systems of accountability and performance management in order to improve performance and win public confidence and trust
- To optimize the effectiveness and efficiency of staff in all aspects of the service in order to secure continuous improvement in performance
- To ensure student learning through the greater use of information and communications technology

232. The Government is the main provider of education with a relatively small degree of private sector participation at the primary and secondary levels. However, at the early childhood level, private sector participation is very high.

233. Under the Ministry of Education's New/Expansion School Programme for 2008/2009, 11 new schools are to be built. This will provide 11,020 additional places for students. Nine of these schools will be secondary institutions, providing 9,760 places, and two will be primary schools, providing 1,260 places. Construction has begun on some of the schools but most are at various stages of pre-contract and tender processing levels.

234. In 2006/07, an estimated 77.8 per cent (842,054 persons) of the 3–24 years old school-age cohort was enrolled in educational institutions. The total number of students enrolled in the public and private education system at the pre-primary, primary and secondary levels was 689,145; with primary education accounting for 36.8 per cent of the total. The gross enrolment rates at the pre-primary, primary levels, secondary and tertiary levels were 96.8 per cent, 94.5 per cent, 93.4 per cent and 31.5 per cent, respectively. By way of comparison, for the 2007/08 period, the number of students enrolled at the pre-primary, primary, secondary and tertiary levels was 1,860,729, with enrolment at the primary level accounting for over 50 per cent of the total (see Annex I).

### **Early childhood education**

235. This sector is concerned with the development of children up to the age of 8. Children enter educational institutions from age three or four, while those from birth to age 3 access services at Day Care Centres and pre-school facilities. In 2006/2007, over 104,221 children were taught by some 5,183 teachers.

236. Basic schools are mostly community operated and are categorized as Recognized and Unrecognized. Recognized Basic Schools are registered with the Ministry of Education and receive subsidies from the Government to supplement teachers' salaries, procure instructional materials and provide nutritional support. Unrecognised Basic Schools have either not sought registration of the Ministry of Education or were not allowed to register because they were below acceptable standards.

237. The Early Childhood Commission is an agency of the Ministry of Education that was established by the Early Childhood Commission Act of 2003. Born out of the need for a long-term vision and plan for a comprehensive delivery of early childhood programmes and services, the Commission was established as the agency with overall responsibility for early childhood development in Jamaica. Using an integrated approach, the Commission brings under one umbrella all the policies and standards pertaining to early childhood development. It also maximizes the use of limited resources by ensuring a more cohesive delivery of services.

### **Primary level education**

238. The Government provides free and compulsory education to primary level students (6–12 years of age). Compulsory primary education is mandated by law in Jamaica. A Compulsory Education Policy is being developed for approval and will be implemented at the primary level in the first phase.

239. Primary Education, comprising Grades 1–6, is provided in Public Primary, Primary and Junior High, All-Age as well as in privately-owned Preparatory Schools. In 2007, the consistently high enrolment rate was maintained, as reflected in the gross enrolment rate of 99.8 per cent and a net enrolment of 90.9 per cent. An additional 7.8 per cent and 1.1 per cent were enrolled at the early childhood and secondary levels, respectively.<sup>5</sup> The State schools continued to be the major providers of primary education, accounting for more than

<sup>5</sup> Jamaica Survey of Living Condition, 2007, Planning Institute of Jamaica.

85.0 per cent of the enrolment. Differences in enrolment rates were non-existent across sex, consumption quintile and geographical region.

240. In the final year of primary education, students sit the Grade Six Achievement Test (GSAT), the results of which help to guide the student's placement at the secondary level. Jamaica has achieved universal primary enrolment due mainly to the many initiatives introduced to encourage attendance and learning.

241. Primary schools in the rural areas of Jamaica are usually located in clusters, with schools in close proximity to each other. It is the recommended policy of the Ministry of Education that primary level students living in rural areas should attend schools within a three-mile radius from their homes while for secondary level students a radius of seven-miles is recommended.

### **Secondary level education**

242. Secondary level education is offered in two cycles. The first cycle is provided in grades 7 to 9 for three years and to students 12 to 14 years old, while the second cycle is offered for two years in grades 10 to 11 to students 15 to 16 years old. Some institutions offer a further two years at grades 12 and 13. Five years of secondary education is offered in Secondary High schools, and three years in Technical and Agricultural/Vocational schools. All Age and Primary & Junior High schools offer three years of lower secondary education. In order to better prepare students for the world of work, plans are afoot to increase by one year the secondary school year.

243. The Government has also made a policy commitment to ensure universal access for all secondary level students by 2016 and to make payment of full tuition for public sector secondary students. Another policy initiative of the Government is the decision to retain students to the age of 18 years of age at the secondary level.

244. In 2006/07, the number of students enrolled in public secondary institutions was 247, 294, a 4.6 per cent increase compared with 2005/06. An estimated 9,892 students were enrolled in private secondary schools. Gross enrolment was 99.7 per cent in the lower cycle (Grades 7–9), while enrolment at the upper cycle (Grades 10–11) was 83.6 per cent. Overall gross enrolment for Grades 7–11 was 93.4 per cent up from 90.4 per cent in 2005/06.

245. In many secondary schools, students are exposed to technical and vocational subjects. Resource and Technology subjects are taught at the lower secondary level. At the upper secondary level, students are exposed to more in-depth technical and vocational education.

246. Entry to Technical High Schools, where students spend either three or five years, is mainly through placement from the Grade Six Achievement Test (GSAT) and the Grade Nine Achievement Test (GNAT). While these schools provide education with a technical bias, the curriculum contains a mixture of technical and academic subjects. At grade 10, students may opt for a curriculum in Business Education, Industrial Education, Home Economics or Agriculture. At grade 11, students sit external examinations set by various examining bodies in the United Kingdom and in the Caribbean (Caribbean Examinations Council) as well as by the National Vocational Qualification of Jamaica (NVQJ) that is administered by the National Council for Technical and Vocational Education and Training (NCTVET).

247. Vocational Schools offer specialized vocational offerings. Entrants are selected mainly from All-Age, as well as Primary and Junior High Schools on the basis of an Entrance Examination set by the schools, in conjunction with the Ministry of Education. However, students from other secondary level schools may also gain admission. In these vocational schools, students are trained to enter the job market and are also qualified to



access tertiary level education. There are three vocational schools which provide training in Agriculture or Home Economics.

248. The Human Employment and Resource Training (HEART) Trust/National Training Agency (HEART Trust/NTA), through its centres that are located all over the country, also provides technical, vocational and education training to a wide-cross section of Jamaicans. HEART Trust/NTA has as its responsibility the task of coordinating and supporting the entire vocational training system in order to produce and sustain a competent and productive workforce that is responsive to labour market needs and dynamics.

249. The functions of HEART Trust/NTA have been strengthened with the establishment of the National Council on Technical and Vocational Education and Training (NCTVET). The Council guides the work of the training agency in developing or modifying skills training curricula and assessment criteria, so that training and NCTVET certification remain current and responsive to the needs of the wider community.

250. HEART Trust/NTA integrates both formal education and non-formal skill-specific training in the programmes and centres that fall under its umbrella. These include the 7 HEART Academies, the 13 Vocational Training Centres (VTCs), the 14 Technical High Schools and TVET programmes in secondary schools, the Vocational Training Development Institute (VTDI), the Jamaican German Automotive School (JAGAS), numerous community-based training programmes, and On-the-Job training programmes for apprentices and school leavers.

### **Special education**

251. Special education spans the first three levels of the education system. It caters to children who find it difficult to learn in regular schools without specialized support services. Special education provides for the visual and hearing impaired, the mentally challenged, the physically disabled as well as those students that are specially gifted and talented.

252. Through the Special Education Administrative Unit in the Ministry of Education and support from other State Agencies, budgetary allocations are made to support special education. Currently, over J\$300 million per annum is allocated. Policies and practices represent a blend of inclusive and specialized programmes and services.

253. There is no available national data to determine the percentage of children below age 18 with disabilities. However, in the special schools and programmes offered by NGOs there are 6,028 students representing different disability groupings. The Government also supports NGOs that offer community based programmes to disabled students who cannot access mainstream education. Community Rehabilitation Workers visit the homes and work with parents and children.

### **Number of Special Education Schools:**

- One school for the blind
- Six schools for the mentally challenged
- Three public main schools for the deaf with 4 satellites
- Four private schools for the deaf
- Seven government units attached to host schools

254. Transformation of the education system will ensure greater inclusion, contingent on the nature and severity of the disability and the availability of human and financial resources.

**Higher education**

255. Access to higher education is provided through public and private sector institutions. At the tertiary level the main institutions are:

- The University of the West Indies (UWI) which offers education at the undergraduate and post-graduate levels in disciplines such as Law, Pure and Applied Sciences, Social Sciences, Medical Sciences, and Humanities and Education. The University has campuses at Cave Hill in Barbados, Mona in Jamaica and St. Augustine in the Republic of Trinidad and Tobago. The total student body, which numbers over 35,000, is distributed among the various faculties on the campuses. In a major initiative to expand the student population and service the widely dispersed needs of country partners, the University launched the Open Campus, an entity that is built on the University's success in distance education via the UWI Distance Education Centre (UWIDEC) and continuing studies throughout the Caribbean. The Open Campus currently employs a wide variety of distance delivery methods and has 52 education centres in 16 different English-speaking countries. The current population of distance students and continuing education students is over 20,000 and it is hoped that it will increase to over 40,000 students by 2012.
- The University of Technology (UTECH) which offers over 100 programmes at the certificate, diploma, undergraduate and graduate levels in a wide variety of technical programmes through five faculties: Faculties of the Built Environment, Health and Applied Science, Engineering and Computing, Education and Liberal Studies, and Business and Management. In keeping with global trends in education, the Office of Continuing Education and Distance Learning (CEODL) was established in 2002 with the mandate to facilitate the expansion of learning opportunities and to increase enrolment through flexible access to diverse lifelong learning and multi-modal delivery options.
- Six Teachers' Colleges which provide professional training in teacher education for early childhood, primary, secondary and special education. The Teacher Training Institutions have created a consortium of teacher education institutions and have applied to the Ministry of Education to be registered to offer undergraduate degrees. The consortium concept facilitates the strengthening of and greater collaboration among the colleges, including through the use of ICT for cross registration and the delivery of training programmes.
- The G.C. Foster College of Physical Education and Sports which provides professional training in sports administration, coaching, and the teaching of sports and physical education.
- The Edna Manley College of the Visual and Performing Arts (EMCV&PA) which comprises four schools, namely the Schools of Art, Dance, Drama and Music, which offering certificate and diploma courses, professional training, training in teacher education and undergraduate degrees.
- The College of Agriculture, Science and Education (CASE) which is a multi-disciplinary institution that offers training in agricultural programmes leading to a Bachelor of Technology and an Associate degree. It also offers training in teacher education.
- Five Community Colleges which offer pre-university programmes, professional, commercial and vocational training as well as community-oriented courses.

256. In addition to the two public tertiary institutions, the UWI and UTECH, there are three private institutions – Northern Caribbean University (NCU), the University College of the Caribbean (UCC) and the International University of the Caribbean (IUC).

257. The NCU is a private institution offering undergraduate and graduate degrees in Education, Pharmacy, Business and Liberal Arts. Allied to St. Andrews University in the USA, its graduate programmes are heavily supported through its sister university.

258. The UCC offers professional training mainly in business-related courses including Management Studies, Business Administration, Management Information Systems, Accounting, Law and Human Resource Management. In 2007, the local UCC franchised programme offered diplomas in 16 areas of study and Bachelor's and Associate degrees in three areas. The College also offered 9 additional programmes at the Baccalaureate and Master's level in conjunction with overseas universities including the Florida International University (FIU), the University of London and the University of Northern Florida. Total enrolment at the end of the calendar year 2007 stood at 6,084 – a 15.6 per cent increase compared with 2005/06. Output data for the same period totalled 1,010 – a decline of 12.7 per cent compared to the previous year's figure of 1,157.

259. The IUC, which consists of three institutions — the Institute for Theological and Leadership Development (ITLD), the Mel Nathan College, and Knox Community College — was officially launched in 2005. The IUC has a central campus in Kingston and three regional centres in Mandeville, Manchester; Montego Bay, St. James; and Tower Isle, St. Mary, as well as satellites within the regions. There were 1,815 students enrolled for the academic year 2006/07. Programmes offered include undergraduate degrees in General Studies, Guidance and Counselling, Education and Theology, Community Development, Programme and Project Management, Business Administration and Nursing. Postgraduate degrees are offered in areas such as Missiology, Counseling and Consulting Psychology, and Education.

260. In addition to the foregoing, a range of overseas-based universities also provide undergraduate and postgraduate degrees in the areas of education, business administration and human resources management. Examples of such institutions include Florida International University (USA), Nova Southeastern University (USA), the University of New Orleans (USA) and the Manchester Business School/Jamaica Institute of Bankers (UK).

261. The University Council of Jamaica (UCJ) is the statutory body currently under the portfolio of the Ministry of Education which functions as an accrediting, awards and academic development body for degrees, diploma and certificate programmes.

262. Access to higher education in Jamaica is based primarily upon the individual's capacity to meet the financial cost. However, 80 per cent of public university education is subsidized by the Government, while teachers colleges and community colleges are subsidized by 65 per cent. Those students who cannot afford tertiary education can access loans through the Government's Students' Loan Bureau (SLB) which offers loan support to needy students to assist with expenses relating to their education. Scholarships are also available from the Government, NGOs, private sector and international bodies for students wishing to undertake tertiary studies. Table 19 below details Government expenditure on tertiary education.

263. For the period 2007/08, enrolment at the tertiary level was estimated at 124,307, 60.3 per cent of whom were female (see annex II).

Table 19  
**Government expenditure on higher education between 2005 and 2008**

	2005/2006	2006/2007	2007/2008	2008/2009
	<i>Actual estimates</i>	<i>Revised estimates</i>	<i>Revised estimates</i>	<i>Estimates</i>
<i>Tertiary education</i>				
Administration and supervision	56 762	52 243	52 431	118 365
Post Certificate Upgrading Programme				
University Council of Jamaica	22 592	28 570	28 851	33 773
Council of Community Colleges of Jamaica	18 527	18 451	20 723	26 274
Distance Bachelor of Education (Bed.) Program for Secondary School Teachers	7 610	4 769	2 500	2 500
<i>Universities</i>				
Grants to the University of the West Indies	4 317 832	5 225 940	6 486 261	7 592 000
Scholarships and tuition fees	55 561	31 061	33 330	40 958
Other scholarships	2 500	2 500	2 500	3 200
Boarding grants – U.W.I.	15 600	24 960	24 960	29 820
Grants to the University of Technology	882 919	1 208 939	1 261 965	1 405 619
<b>Total universities</b>	<b>5 274 412</b>	<b>6 493 400</b>	<b>7 809 016</b>	<b>9 071 597</b>
<i>Other tertiary institutions</i>				
Multidisciplinary colleges	632 491	803 097	890 471	1 004 164
Teachers' education and training	590 092	760 451	861 580	983 430
College of Agriculture, Science and Education	194 560	216 623	213 253	259 156
Edna Manley College of the Visual and Performing Arts	129 007	171 776	174 765	209 876
Training of health officials	11 127	22 552	28 688	21 420
<b>Total tertiary education</b>	<b>6 937 180</b>	<b>8 571 932</b>	<b>10 082 278</b>	<b>11 730 555</b>

### Independent schools

264. There are 1,015 public educational institutions and 361 independent schools. The mission of independent schools is as follows:

“to effectively register and monitor the operation of Independent Schools as an integral part of the education system, seeking to ensure that students attending these institutions are exposed to quality teaching/learning experiences to enhance their development according to abilities and that adequate preparation is given to these students for the various national and overseas examinations”.

265. Independent schools, therefore, play a pivotal role by providing critical spaces at all levels of the system. This is evidenced by the fact that 26.2 per cent of the total number of schools is not administered by the Government. Of the total number of schools, 48.4 per cent are at the early childhood level (kindergarten/preparatory), 23 per cent are Commercial/Business Colleges, 13 per cent are Vocational High Schools, 8.3 per cent are Preparatory/Secondary High Schools and 4.4 per cent are Secondary High institutions, with the remainder being special education and tertiary institutions.

266. There are no prohibitions to persons wishing to set up or access independent schools. In order to be established and registered as an independent school in Jamaica, however, a school must meet certain requirements mandated by the Independent Schools Unit of the Ministry of Education. These requirements include:

- Submitting a proposal to the Registrar of Independent Schools
- Submitting an application for registration
- Providing detailed information on the school including a sketch of the school premises, a simple floor plan of the building, a copy of the school's prospectus, particulars of the fees charged for tuition in respect of each course, and copies of teachers' contracts

267. The Independent School Committee, based on its findings, approves or disapproves the establishment of the school. Provisional registration is granted to the approved school for a period of one year. The school is then monitored by the Ministry of Education, with supporting professional development training and regular visits.

268. There have been no undue difficulties in gaining access to these schools, except for the ability of prospective students to pay the school fees which is sometimes thrice as much as that of public schools. Parents are required to register years in advance as there is sometimes a long waiting list.

### Adult and continuing education

#### *The Jamaica Foundation for Lifelong Learning*

269. The Jamaican Foundation for Lifelong Learning (JFLL), formerly the Jamaican Movement for the Advancement of Literacy (JAMAL), is an agency of the Ministry of Education (MOE) and the main organization responsible for the provision of non-formal adult continuing education in Jamaica. JFLL offers programmes to persons who may not be ready for the High School Equivalency Programme (HISEP) and is aimed at preparing them for secondary level education. Career counselling is also included in the course offerings.

270. In 2006, the JFLL began a process of upgrading its suite of products, modernizing its facilities and re-training its employees, to transform it from an organization primarily offering programmes of basic literacy and numeracy, to one providing a wide range of educational opportunities for individuals 15 years and over.

271. The intent is to reduce illiteracy among the adult population in Jamaica and to provide educational opportunities for 250,000 Jamaicans over the next five years. While Jamaica has not conducted a Literacy Survey since 1999, UNESCO Statistical Institute has projected our literacy rates to the year 2030. Table 20 provides a 10-year trend.

Table 20  
UNESCO Literacy Projections, Jamaica

Year	Literacy rates								
	15+			15-24			25-64		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
1999	<b>82.0</b>	75.9	87.7	<b>91.6</b>	86.9	96.2	<b>82.3</b>	75.1	89.1
2000	<b>82.4</b>	76.4	88.1	<b>92.2</b>	87.7	96.6	<b>82.8</b>	75.7	89.6
2001	<b>83.0</b>	77.0	88.5	<b>92.5</b>	88.3	96.6	<b>83.4</b>	76.3	90.1
2002	<b>83.5</b>	77.6	89.0	<b>92.8</b>	88.5	97.1	<b>83.8</b>	76.8	90.4

Year	Literacy rates								
	15+			15-24			25-64		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
2003	<b>84.0</b>	78.2	89.4	<b>93.2</b>	89.2	97.1	<b>84.3</b>	77.3	90.8
2004	<b>84.5</b>	78.8	89.9	<b>93.5</b>	89.5	97.6	<b>84.7</b>	77.9	91.1
2005	<b>85.0</b>	79.3	90.3	<b>93.8</b>	90.1	97.6	<b>85.2</b>	78.4	91.5
2006	<b>85.5</b>	79.9	90.7	<b>94.0</b>	90.3	97.6	<b>85.8</b>	79.1	92.0
2007	<b>86.0</b>	80.5	91.1	<b>94.4</b>	90.8	98.1	<b>86.3</b>	79.7	92.4
2008	<b>86.4</b>	81.1	91.5	<b>94.7</b>	91.3	98.1	<b>86.7</b>	80.3	92.6

Source: UNESCO Statistical Institute, 2007.

#### *High School Equivalency Programme (HISEP)*

272. Current data shows that a significant percentage of the out-of-school population has not attained Grade 11 certification. In an effort to rectify this problem, one of the programmes developed to improve the educational level of this population is HISEP.

273. HISEP is a modular programme of self instruction and is aimed at providing persons who were not accommodated by the formal system with another opportunity to get high school education and certification.

#### **Financing of education**

274. Education is financed by the Government with inputs from private households, the private sector as well as community and faith-based organizations. According to GLOBUS, in 2001 Jamaica had the 8th highest education expenditure (6.8 per cent) as a percentage of GDP worldwide. Only two developed countries — New Zealand & Sweden — ranked higher than Jamaica in this regard. As a percentage of the national budget, Jamaica ranks below Caribbean countries such as Barbados. For the financial year 2007/08, the Government allocated 12.5 per cent of the national budget to education (see Annex III). This was an increase of 6.7 per cent above the revised estimates for 2006/07. Approximately J\$42.2 billion of the allocation was for recurrent expenditure, with 91 per cent of this earmarked for salaries and other emoluments (see Annexes IV and V).

275. For 2007/08, 32.5 per cent of the overall education budget was allocated to the primary level; 31.9 per cent to the secondary level; 18.2 per cent to the tertiary level; and 4.3 per cent for early childhood. Compared with 2006/07, there was a 40 per cent increase in allocation to special education, a 24.5 per cent increase at the early childhood level and a 7.2 per cent increase at the secondary level. The Government reduced its allocation to the tertiary level by 1.1 per cent. Per capita expenditure on education for 2007/08, in order of allocation in Jamaican dollars (J\$), was \$240,424 at the tertiary level; \$156,690 for special education; \$51,902 at the secondary level; \$46,282 at the primary and \$14,456 for early childhood education. Annex VI provides further detail on the per capita expenditure by level.

#### **Conditions of teaching staff**

276. Teachers in the public system are:

- Appointed by individual school boards, subject to approval by the Minister
- Paid by the Ministry of Education and receive salaries based on a centrally defined salary scale

- Contractually obliged to the Ministry of Education, as defined by the Education Act and Regulation
- Tenured by the Central Ministry, i.e. tenure in the service is continuous; however a teacher does not carry forward permanent status from one school to another
- Granted all categories of leave — study, vacation, sick, special and casual — by the Ministry of Education which processes all leave applications
- Centrally mandated to provide a specified number of contact teaching hours per five-day week for a defined number of days per year

#### *Vacation leave*

277. Permanent teachers after five years of service are eligible for one term paid leave, accumulated up to ten years for a total of two consecutive terms as paid leave. This is in addition to regular school holidays. Principals with four years of service are entitled to one term leave, accumulated up to eight years for a total of two consecutive terms of paid leave.

#### *Department leave*

278. Teachers and principals are entitled to up to 12 days departmental leave for emergency purposes.

#### *Study leave*

279. Permanent teachers with ten years service who have not taken study leave are entitled to two years' study leave with pay. Permanent teachers with less than 10 years service are entitled to one-year study leave with pay.

#### *Working days*

280. Currently, there is no clear position with respect to the length of instructional time and number of working days for which teachers are employed and salaried. According to the Education Regulations Section 7, (1) the school year shall run from the 1st September of each year to the 31 August of the following year. The Regulations also stipulate that the teacher shall receive a monthly salary for the period of employment.

281. Conversely Section 7 (3) states that: "Every public educational institution shall meet for no less than 190 days of each year unless it is prevented from doing so for reasons permitted by the Minister." In practice, teachers work for a total of 190 days, enjoying all school holidays: 40 days in the summer, 5 days at Easter and 10 days at Christmas totalling 55 working days per year. However, when teachers are on holiday they are on call to the Ministry anytime and if they travel overseas they must receive permission from the Ministry to do so.

#### *Registration*

282. Teachers are registered on entering the system. There are, however, no regulations in place requiring them to remain current.

#### *Management of the teaching staff*

283. The principal of the school has ultimate responsibility for the management of the teaching/learning process. In the public system 1,000 principals manage a teaching force of 22,360. The size of schools and, therefore, principal/teacher ratio vary widely with some schools having enrolment of over 2,500 students while a few have less than 200.

284. The majority of teachers have a teaching diploma but no subject-specific qualification, while many have university degrees but no teaching diploma. There is no requirement for teachers to continue to improve their learning once they receive their teaching qualifications. The Ministry of Education, usually in relation to specific projects and programmes and as part of their in-service training, offers professional development programmes throughout the year.

*Comparison of teachers' salaries to other civil servants*

285. In general, teachers' salaries are determined differently from other civil servants. Teachers' salaries are determined based on their qualifications while remuneration for other civil servants is calculated based on their qualifications, technical capacity and/or specialized capabilities. A comparison, however, can be made between Trained Teachers with Diplomas (TTDs) and mid-level managers in the civil service. Programme Management and Administration (PMA) civil servants are considered mid-level managers. TTDs are teachers who have teaching diplomas and are trained for the teaching profession.

286. As of April, 2007, the salary scale for TTDs was J\$ 628,528–781,328. There are nine levels between the lowest and highest point on the scale. After nine years the salary of these teachers should be J\$ 781,328 unless there are increases. Below TTDs are trained teachers with certificates, Specialist Teachers and untrained teachers (with less than the required qualifications). The salary scale for PMAs at level 5 (the highest level) starting April, 2007 was \$720,972–857,009. There are six levels between the lowest and highest levels.

*How ratio of salaries has developed over time*

287. Within the last five years (i.e. between 2002 and 2007), the salary of TTDs has increased by 50.3 per cent.

288. Within the same period, the salaries of PMAs increased by 26.5 per cent. Despite the seemingly smaller percentage increase, this group is still at an advantage as its salary is at a higher level than that of the TTDs.

## **Government actions to introduce and/or guarantee equal access to all levels of education**

289. The Ministry of Education has introduced several programmes to ensure that all children have equal access to educational opportunities. Some of these include:

### **The Programme of Advancement Through Health & Education (PATH)**

290. As previously noted under article 11, the PATH is aimed at delivering benefits of cash grants to the most needy and vulnerable in society, including through increasing the educational attainment and improving health outcomes among Jamaicans who are considered to be poor.

### **The School Feeding Programme**

291. As previously outlined under article 11, the School Feeding Programme is intended to provide needy students with nutritional support to enhance their learning capabilities. Private sector organizations through the Adopt-A-School Programme also assist many schools in their school feeding programmes.



### **Scholarships**

292. Scholarships are awarded by the Government and private sector organizations to students who have done exceptionally well in exams such as the Grade Six Achievement Test (GSAT). These students are financially supported for the duration of their secondary level education. There are also private individuals as well as NGOs that offer scholarships to needy students.

### **Abolition of tuition fees**

293. Tuition fees at the secondary level have been abolished since the beginning of the 2007/08 academic year. Although the Government still endorses the subscription of auxiliary fees, its policy is that no child should be denied access to schooling on the basis of the non-payment of fees. The abolition of tuition fees is a major step in ensuring that all Jamaican children have access to basic education.

### **Textbook programmes**

294. The Ministry of Education dispenses textbooks free of charge to primary schools. At the secondary level, students can take advantage of a textbook rental programme that operates in all high schools. *The National Textbook Programme* has provided approximately 590,000 textbooks valued at J\$611.9 million to students at Grade 7–11 across 270 secondary level schools island-wide.

### **The National Assessment Programme (NAP)**

295. The NAP started on 2 January 1988 and is intended to monitor how well students in Grade One through Grade Six (6–11 years) are learning at the primary level. It also provides on-the-job training for teachers on how to prepare and use tests and other scholastic assessments to improve record-keeping and to report students' performance. The Programme also provides schools with better facilities to reproduce materials.

### **Projects**

296. Several projects have also been undertaken to improve the quality of the education system.

#### **Primary Education Support Project**

297. The Primary Education Support Project (PESP) began in January 2001 and is aimed at contributing to the improved performance, efficiency and equity of the primary education system. The project addresses a number of concerns in the education sector as it seeks to improve the quality of the delivery and management of educational services at the primary level.

298. The project also:

- Improves performance through effective implementation of the Revised Primary Curriculum (RPC) and national assessment standards in schools
- Increases efficiency through the rationalization of teacher education and the strengthening of educational management capacity at all levels
- Enhances equity in the delivery of educational services to children from the lower socio-economic background through targeted interventions for improved literacy, numeracy and attendance

**The Reform of Secondary Education Project II (ROSE II)**

299. ROSE II is currently being implemented as a follow-up to ROSE I which began in 1993 and which resulted in the construction of a common curriculum in all public schools for grades 7–9. ROSE II is aimed at improving the quality and equity of secondary education through school-based initiatives and reform support, expanding access to upper secondary education in a cost-effective manner, and strengthening the capacity of the central ministry and regional offices to monitor and manage the reform. Consequently, initiatives are being devised to support literacy and numeracy, and to address students' learning problems as well as anti-social behaviour.

**The Secondary School Enhancement Programme (SSEP)**

300. This programme was introduced in 2001 to also address the issues of equity and access in the secondary school system. It is geared at providing funds for laboratories and classrooms, purchasing equipment and materials so as to enhance the teaching and learning processes, and ultimately raising the performance levels of students. The primary beneficiaries of the Programme are new, reclassified and upgraded high schools. For 2006/2007, 34 schools were awarded the sum of J\$104.7 million. Since the inception of the programme, a total of J\$548.8 million has been disbursed.

**The Ministry of Education/HEART Trust/NTA Technical High School Development Project (THSDP)**

301. This project seeks to improve the programmes, facilities and curricula of Technical High Schools. Emphasis is placed on improving the performance of students in Reading, the Sciences, Mathematics and English. The programme involves interventions relating to the training of teachers and school administrators.

**The Technical Vocational Rationalisation Project**

302. This project was developed in 1997 to rationalize existing technical and vocational programmes in secondary schools. It involves the sharing of facilities and programmes among schools in a common geographical area.

**Other measures being undertaken**

303. In keeping with the Government's policy to reform and modernize the public sector, and in fulfilment of recommendations of the Task Force on Educational Reform, the Ministry of Education will undergo a range of changes including physical improvements, the introduction of modern systems and technology, and most importantly organizational restructuring. Priority will be given to modernizing the institutional structures of education in Jamaica with the Ministry of Education becoming a Central Policy Ministry to be supported by autonomous Regional Education Agencies and other Agencies which will be responsible for operational activities (See table 21).

304. An in-depth review of the education system also resulted in the articulation of the National Shared Vision for Education in Jamaica:

“Each learner will maximise his/her potential in an enriching, learner-centred education environment with maximum use of learning technologies supported by committed, qualified, competent, effective and professional educators and staff. The education system will be equitable and accessible with full attendance to Grade 11. Accountability, transparency and performance are the hallmarks of a system that is excellent, self-sustaining and resourced and welcomes full stakeholder participation. The system produces full literacy and numeracy, a globally competitive, quality workforce and a disciplined, culturally aware and ethical Jamaican citizenry.”

Table 21  
**Educational transformation initiatives of the MOE**

<i>Initiative</i>	<i>Description</i>
Properly deploy education tax into a national education trust, in addition to annual recurrent budget	<ul style="list-style-type: none"> <li>• To establish a National Education Trust that will create a secure non-fiscal space that will make it possible for the education sector to operate and pursue important initiatives outside of budgetary constraints</li> <li>• Funding for the Trust will be derived from different sources</li> </ul>
Establish a national parenting policy programme to enhance home/school partnership support	<ul style="list-style-type: none"> <li>• To develop a National Parenting Policy to support the development of an enabling environment for our nation's children. The policy will support parental rights; ensure equality for and inclusion of the most vulnerable families; and strengthen the systems of accountability of the state to fulfil its obligations</li> <li>• A Parenting Support Commission (PSC) will be established to lead the implementation of the National Parenting Policy</li> </ul>
Establish leadership and governance programme involving the private sector	<ul style="list-style-type: none"> <li>• Programme to strengthen leadership and governance under transformation</li> </ul>
Establish a National Educational Inspectorate to establish, monitor and enforce standards, and link pay to performance	<ul style="list-style-type: none"> <li>• A National Education Inspectorate is being established to assure and improve the quality of educational provision across the system</li> </ul>
Register and license all teachers to monitor and guide on-going professional development	<p>Under the Education Transformation Programme, the Jamaican Teaching Council will be established. This will undertake the following:</p> <ul style="list-style-type: none"> <li>• Raise the status and profile of the profession</li> <li>• Provide professional leadership for teachers</li> <li>• Maintaining and enhance professional standards</li> <li>• Regulate, register and license the profession</li> <li>• Review and oversee conditions of service</li> <li>• Advise on teacher supply and deployment</li> <li>• Provide strategic direction on training and professional development</li> </ul>

## **Difficulties in the realization of the right to education at the primary and secondary levels**

### **Primary level**

#### *Attainment levels*

305. Various studies have shown that a large number of students are not performing at the appropriate grade level. As a result, the previously described National Assessment

Programme (NAP) and the Primary Education Support Programme (PESP) were developed to allow for a system of continuous assessment.

#### *Teaching staff*

306. The difficulty of recruiting professionally trained staff has forced rural schools to employ a higher percentage of unqualified teachers than urban schools. The Government, however, continues to intensify its effort to reduce the number of pre-trained teachers in the system. Data from the Statistics Unit of the Ministry of Education shows that since 1998/99, the number of pre-trained teachers at the primary level has been declining yearly by approximately 2 per cent. In 1998/1999, about 20.8 per cent of the primary level teaching force was pre-trained compared to approximately 8.3 per cent in 2007/2008 (See table 22). Efforts have also been made not only to attract but to retain better qualified teachers in the system. These efforts include:

- The strengthening of the Professional Development Unit which offers in-service training to teachers and other educational personnel
- The introduction of a Post-Certificate Diploma programme (through Distance Mode of teaching) which upgrades those teachers who previously held a Teacher's Certificate to a Diploma
- Ensuring that projects funded by loans include training components and provide scholarships, fellowships and bursaries to local and foreign universities

Table 22

#### **Distribution of teachers at the primary level by qualification 2007/2008**

<i>School type</i>	<i>Trained university graduate teacher</i>		<i>Untrained university graduate teacher</i>		<i>Trained college graduate teacher</i>		<i>Untrained tertiary graduate teacher</i>		<i>Trained instructor</i>		<i>Untrained secondary graduate teachers</i>		<i>Total</i>
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	
Primary	1 943	26.8	130	1.8	4 623	63.9	82	1.1	14	0.2	445	6.1	<b>7 237</b>
All age (1–6)	490	23.7	27	1.3	1 398	67.5	29	1.4	7	0.3	119	5.7	<b>2 070</b>
Prim. & jnr. high (1–6)	379	26.4	18	1.3	954	66.5	10	0.7			73	5.1	<b>1 434</b>
<b>Total</b>	<b>2 812</b>	<b>26.2</b>	<b>175</b>	<b>1.6</b>	<b>6 975</b>	<b>64.9</b>	<b>121</b>	<b>1.1</b>	<b>21</b>	<b>0.2</b>	<b>637</b>	<b>5.9</b>	<b>10 741</b>

*Source:* Statistics Unit, Planning and Development Division, Ministry of Education, Jamaica.

#### *Attendance*

307. The 2005/2006 national average attendance rate was 80.9 per cent with student attendance pattern varying not only between rural and urban areas, but also according to the days of the week, with the most pronounced decline evident on Fridays. Girls are also found to attend schools more regularly than boys.

308. The Ministry of Education has intensified its efforts through its compensatory educational provisions of lunch, school books, computer assisted learning and counselling to improve the attendance rate. Continuous improvement to facilities in schools is also expected to positively impact attendance rate. There have also been substantial achievements regarding gender equality (Goal 3 of the MDGs), particularly in ending the disparities in education at the primary and secondary levels (especially for boys).

*Physical facilities*

309. Despite the Government's effort to refurbish and improve the physical conditions of schools, many facilities are below the required standard while others are in need of replacement. Additionally, although enrolment at the primary level has been decreasing due to the decline in the birth rate, overcrowding continues to be a problem, especially in the urban areas. To this end, programmes and projects jointly funded by the Government and international funding agencies are being implemented in response to the need for additional places, repairs and refurbishing of physical facilities.

**Secondary level***Teaching staff*

310. Of the 13,273 teachers at the secondary level, only 18.1 per cent are not trained teachers with 12.8 per cent of this category being tertiary level graduates. Of the total number of untrained teachers, 28.8 per cent have only secondary level education. Table 23 gives an indication of the quality and distribution of teachers at the secondary level.

311. One of the major challenges to the system is the recruitment and retention of Mathematics, Science and Information Technology (IT) teachers, given the high demand locally and worldwide for teachers in these disciplines. The situation is aggravated by the fact that teachers are constantly being recruited and attracted to overseas markets.

Table 23

**Distribution of teachers at the secondary level by qualification 2007/2008**

<i>School type</i>	<i>Trained university graduate teacher</i>		<i>Untrained university graduate teacher</i>		<i>Trained college graduate teacher</i>		<i>Untrained tertiary graduate teacher</i>		<i>Trained instructor</i>		<i>Untrained secondary graduate teachers</i>		<i>Total</i>
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	
All age (7–9)	218	33.2	22	3.3	365	55.6	19	2.9	2	0.3	31	4.7	<b>657</b>
Prim. and jnr. high (7–9/11)	456	33.7	48	3.6	711	52.6	47	3.5	12	0.9	78	5.8	<b>1 352</b>
Secondary high	3 823	37.7	902	8.9	4 223	42.0	504	5.0	160	1.6	520	5.1	<b>10 132</b>
Technical high	377	34.3	93	8.5	462	42.0	65	6.0	41	3.7	62	5.6	<b>1 100</b>
Agricultural high	12	37.5	3	9.4	12	37.5	4	12.5			1	3.1	<b>32</b>
<b>Total</b>	<b>4 886</b>	<b>36.8</b>	<b>1 068</b>	<b>8.0</b>	<b>5 773</b>	<b>43.5</b>	<b>639</b>	<b>4.8</b>	<b>215</b>	<b>1.6</b>	<b>692</b>	<b>5.2</b>	<b>13 273</b>

Source: Statistics Unit, Planning and Development Division, Ministry of Education.

*Shift system*

312. The demand for school places, especially at the secondary level, is the primary factor that has led to the introduction of the shift system. Although the shift system in Jamaica provides more school places for students, it also curtails the number of school hours that students receive and reduces their participation in extra-curricular activities. The Government has begun the process of eliminating the shift system by constructing new schools as well as providing additional facilities to existing schools.

*Dropout rates*

313. There is also concern about the dropout rates which is most evident after Grade 9 – the transitional grade to upper secondary education. Many students opt not to access that

level but to leave the system in order to pursue jobs or other activities. There are those who find it difficult to access places in schools offering upper secondary education and who decide to stay home. (See Annex VII for statistics on the dropout rate by level.)

### **The role of international assistance in the realization of the right to education**

314. Ongoing collaboration with leading international donor agencies such as the Inter-American Development Bank, the International Bank for Reconstruction and Development, the World Bank, the United States Agency for International Development, the United Kingdom Overseas Development Assistance and the World Food Programme have provided access to an extensive body of expertise and resource towards improving the education system of Jamaica. The assistance has mainly been in the area of funding and loans for school building and refurbishing at the primary and secondary level, curricula development, reform of the secondary education programme, staff development, reform of the management system, rationalization of examinations and the provision of welfare activities such as the school feeding programme and the secondary textbook project.

## **Article 15 Cultural life**

### **Institutional infrastructure to promote popular participation in cultural life**

315. Jamaica boasts a framework of public cultural institutions through which the policies of the promotion of cultural rights, including access to and participation in cultural activities across the nation, are encouraged and assured. The Ministry of Youth, Sport and Culture has overall responsibility for encouraging Jamaicans to develop an interest and to become participants in cultural activities as well as to identify, preserve and display their heritage.

316. Through these institutions, the country is able to foster and enhance cultural development programmes that allow all segments of the population to experience as well as create the various and varied cultural activities that are to be found within the Jamaican cultural experience. Because most of these institutions have a presence in all parishes, there is a deliberate effort through the National Cultural Policy (further elaborated on page 96) to ensure that rural communities, children and the aged, the poor and vulnerable have a real chance to experience these activities.

317. Additionally, many of the public-sponsored activities are either free or require minimal access fees in order to ensure that most persons are able to participate in the wealth of the cultural heritage and experiences across the country.

318. Examples of some of the cultural institutions and a summary of the ways in which they assure participation and access by Jamaicans in the creation and consumption of cultural activities are provided below.

### **Jamaica Cultural Development Commission (JCDC)**

319. This is the principal agency of cultural engagement that allows communities to participate in the creation and enjoyment of cultural products and services. By way of the National Festival of the Performing, Visual, Literary, and Culinary Arts, Jamaicans are able to participate in and benefit from the products created.

320. Each year, the JCDC carries out a variety of activities, including workshops and seminars, to unearth and develop talents and other creative products in communities.

Through competitions and various showcasing instruments, the JCDC is able to promote development as well as bring the finished products to general community awareness. The activities take place mainly in schools, church halls, and community centres, thereby allowing for the involvement of all types of communities.

321. Additionally, JCDC events also target vulnerable communities. For example, there is a special category in dance targeting the visually-challenged as well as activities and cultural products that reflect the diversity of the Jamaican population. Jamaica has a history of racial tolerance with the country being comprised of persons from various ethnic backgrounds such as persons of African (who are in the majority), Caucasian, Chinese and Indian descents. This tolerance is underscored by the National Motto 'Out of Many One People'.

322. Finally, through the Celebration of National Events such as Independence, Emancipation and Heritage Week, the wider Jamaican community is encouraged to participate in cultural products that reflect and manifest the heritage and pride of the Jamaican people.

#### **Institute of Jamaica (IOJ)**

323. Founded in 1879, the IOJ provides a framework for persons to experience the repository of cultural products created as part of the cultural history of Jamaica. The IOJ promotes participation in cultural knowledge, especially traditional knowledge, and, therefore, provides opportunities for identity construction and reinforcement. Through its museums, galleries, exhibitions and seminars, a wide cross-section of the community is able to access knowledge and awareness of past historical experiences, an important aspect of the promotion of cultural rights.

324. Each year, the IOJ has a series of exhibitions that are free to the public at its museums and in schools and libraries across Jamaica.

#### **Jamaica National Heritage Trust (JNHT)**

325. This agency is responsible for the declaration, preservation and maintenance of national sites and monuments in communities across Jamaica. By its very nature and its presence in communities, the JNHT is able to enable citizens to experience the material heritage of Jamaica. JNHT sites include Fort Charles in/and Port Royal (home of pirates and buccaneers of a past history), Seville Great House in St. Ann where three civilizations met, as well as several churches, town squares and markets.

326. Although some of these locations are currently part of the attractions of the heritage tourism product, many still remain accessible to the wider public. In any event, in tourist areas, these "attractions" are usually accessible at a substantially lower cost to nationals.

#### **Culture In Education Programme (CIEP)**

327. This programme was developed in 2002 and allows children in schools across Jamaica to participate in cultural activities reflective of the cultural history and heritage of the country. A major focus of the Programme is to ensure the smooth integration of cultural elements into the school curriculum. In keeping with this objective, the Ministry of Education has ensured that each school has a culture agent, who is usually a senior teacher.

328. With projects such as Jamaica Day and a series of exhibitions, expositions and field trips, children of all ages and their teachers are able to access varied elements of the cultural life of Jamaica. Of significance is the aspect of the Programme that promotes interaction between children and the aged for the transfer of knowledge.

### **Measures taken to protect cultural diversity**

329. The most important measure to protect cultural diversity in Jamaica is the *National Cultural Policy (2003)*. With a chapter dedicated to the promotion of cultural diversity, the Policy encourages the following:

- The transfer of knowledge to Jamaican children on Jamaica's diversity
- The celebration of Jamaica's diversity in school through programmes such as Indian Arrival Day, Africa Day, Rastafari Day
- Participation in diverse celebration/commemoration of indigenous cultures, for example, Maroon celebrations
- Collaboration with countries of origin such as China and India as well as with countries in Africa to encourage cultural agreements for cooperation. To this end, there are significant activities with Ghana, Nigeria and South Africa
- The promotion of folklore and traditional knowledge as part of the curriculum of schools and in the National Festival of the Arts
- The annual celebration of National Heritage Week in October
- The promotion efforts to ensure that indigenous communities such as Maroons and Rastafari exist in environments that foster their enhancement and sustain their lifestyles

### **Schools and professional education in culture and arts**

330. As indicated previously, professional education in culture and the arts are executed through the following:

#### **Edna Manley College of the Visual and Performing Arts**

331. With its Schools of Drama, Dance, Music and the Visual Arts, the College offers diploma and degree level programmes in the Arts, Arts in Education and Arts Management. There are also courses in film, fashion, jewellery and graphic arts.

#### **Excelsior Community College**

332. This College offers programmes in the Performing Arts, especially at the certificate and diploma level and particularly in Dance and Drama.

#### **Northern Caribbean University**

333. This University offers special programmes and courses in Music.

#### **The University of Technology**

334. This University has a Sculpture Park and a department dedicated to Cultural Studies and Entrepreneurship as well as Technology Innovations. The University also recently opened a department for intellectual property.

#### **The University of the West Indies**

335. This University offers a variety of courses through various faculties that facilitate professional training in Events Planning, Cultural Enterprise Management, Cultural Studies, and Intellectual Property Law. The University also boasts a Choir (University Singers) and a national venue (Philip Sherlock Centre for the Performing Arts), with the latter offering short courses in culture and arts.



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### **Creative Production and Training Centre**

336. This Centre offers professional training in Media and Technical Arts such as Videography, Lighting, Voice and Stage Control.

### **School Curricula**

337. Additionally, all secondary schools offer courses in culture and arts, especially in Music, Art, Speech and Drama. Currently, these subjects are offered at examination level at the secondary level of education through the Caribbean Examinations Council (CXC). The arts are also taught in primary and basic schools.

### **Protection of moral and material interests of creators**

338. *Jamaica's Copyright Act (1993/1999)* gives effect to the provisions of the WIPO Berne Convention for the Protection of Literary and Artistic Works, and the WTO Agreement on Trade-Related Aspects of Intellectual Property, in providing for automatic protection of original literary, dramatic, artistic and musical created by citizens/habitual residents of Jamaica or countries that are signatory to these Treaties, without any requirement of registration or other formality. Under Jamaican law, copyright protection arises once the work exists in a written or recorded form. Copyright owners are duly accorded economic rights and moral rights which give them exclusive rights to permit or disallow any reproduction, distribution or adaptation of their works. Any of these acts done without the permission of the copyright owner are actionable by criminal or civil suit at the instance of the copyright owner.

339. Presently, there is no legislation specifically addressing protection of traditional knowledge of indigenous peoples or communities as whole. However, expressions of cultural heritage and traditional knowledge can be and are protected under existing Intellectual Property forms (for example copyright, designs, trademarks) by individuals from these communities. Jamaica, as a part of the Caribbean Community (CARICOM), is currently engaged in on-going regional discussions on how best to protect traditional knowledge and cultural expressions.

## Annexes

### Annex I

#### Enrolment by educational institutions and gender 2007–2008

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Early childhood	6 676	6 686	<b>13 362</b>
Primary	142 229	1 325 909	<b>1 468 138</b>
Special	2 564	1 521	<b>4 085</b>
Secondary	124 411	126 426	<b>250 837</b>
Tertiary	49 345	74 962	<b>124 307</b>
<b>Total</b>	<b>325 225</b>	<b>1 535 504</b>	<b>1 860 729</b>

#### Enrolment by locale and gender 2007–2008

<i>Locale</i>	<i>Female</i>	<i>Male</i>	<i>Grand total</i>
<i>Infant enrolment</i>			
Remote rural	269	271	<b>540</b>
Rural	1 374	1 628	<b>3 002</b>
Urban	5 165	4 938	<b>10 103</b>
<b>Grand total</b>	<b>6 808</b>	<b>6 837</b>	<b>13 645</b>
<i>Primary enrolment</i>			
Remote rural	9 730	10 907	<b>20 637</b>
Rural	43 825	47 745	<b>91 570</b>
Urban	82 354	83 577	<b>165 931</b>
<b>Grand total</b>	<b>135 909</b>	<b>142 229</b>	<b>278 138</b>
<i>Secondary enrolment</i>			
Remote rural	614	1 392	<b>2 006</b>
Rural	28 780	32 054	<b>60 834</b>
Urban	97 032	90 965	<b>187 997</b>
<b>Grand total</b>	<b>126 426</b>	<b>124 411</b>	<b>250 837</b>

*Source:* Statistics Unit, Planning and Development Division, MOE, 2008.

## Annex II

### Enrolment and completion at the tertiary institution, 2006–2007

<i>Institution</i>	<i>Enrolment</i>			<i>Graduation</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Moneague College	259	684	<b>943</b>	21	86	<b>107</b>
Montego Bay Community College	497	955	<b>1 452</b>	135	306	<b>441</b>
Portmore Community College	819	1 548	<b>2 367</b>	205	635	<b>840</b>
Bethlehem Moravian College	33	154	<b>187</b>	11	83	<b>94</b>
Excelsior Community College	595	1 049	<b>1 644</b>	106	208	<b>314</b>
Knox Community College	439	785	<b>1 224</b>	52	111	<b>163</b>
Brown's Town Community College	272	511	<b>783</b>	75	94	<b>169</b>
HEART Trust/NTA	37 252	49 785	<b>87 037</b>	18 744	24 149	<b>42 893</b>
UWI	3 844	10 443	<b>14 287</b>	2 832	8 196	<b>11 028</b>
UTECH	4 225	5 101	<b>9 326</b>	727	864	<b>1 591</b>
GC Foster College	293	240	<b>533</b>	51	42	<b>93</b>
Micro University College	355	1 126	<b>1 481</b>	102	323	<b>425</b>
Edna Manley College of the Visual & Performing Arts	269	210	<b>479</b>	44	3	<b>47</b>
College of Agriculture, Science and Education	51	154	<b>205</b>	15	44	<b>58</b>
Short Wood Teachers' College	8	676	<b>686</b>	3	218	<b>221</b>
St. Joseph's Teachers' College	21	615	<b>636</b>	11	168	<b>179</b>
Church Teachers' College	69	334	<b>403</b>	21	104	<b>125</b>
Sam Sharp Teachers' College	43	593	<b>636</b>	15	157	<b>172</b>
<b>Total</b>	<b>49 345</b>	<b>74 962</b>	<b>124 309</b>	<b>23 171</b>	<b>35 789</b>	<b>58 960</b>

*Source:* Economic and Social Survey Jamaica 2007, Planning Institute of Jamaica (PIOJ).

## Annex III

**Ministry of Education in the National Budget**  
**Current prices 2007/2008**

Revised estimates

<i>Ministries</i>	<i>Recurrent</i>		<i>Capital</i>		<i>Total</i>	
	<i>J\$' 000</i>	<i>%</i>	<i>J\$' 000</i>	<i>%</i>	<i>J\$' 000</i>	<i>%</i>
Ministry of Education & Youth	42 205 183	17.4	5 699 403	4.0	<b>47 904 586</b>	<b>12.5</b>
His Excellency the Governor General	102 152	0.0	-	0.0	<b>102 152</b>	<b>0.0</b>
Houses of Parliament	505 233	0.2	-	0.0	<b>505 233</b>	<b>0.1</b>
Office of the Public Defender	48 498	0.0	-	0.0	<b>48 498</b>	<b>0.0</b>
Office of the Contractor General	147 650	0.1	-	0.0	<b>147 650</b>	<b>0.0</b>
Auditor General	222 723	0.1	-	0.0	<b>222 723</b>	<b>0.1</b>
Office of the Services Commissions	119 554	0.0	-	0.0	<b>119 554</b>	<b>0.0</b>
Office of the Children's Advocate	32 557	0.0	-	0.0	<b>32 557</b>	<b>0.0</b>
Office of the Prime Minister and Dept.	1 674 619	0.7	774 962	0.5	<b>2 449 581</b>	<b>0.6</b>
Office of the Cabinet and Dept.	828 688	0.3	1 393 270	1.0	<b>2 221 958</b>	<b>0.6</b>
Ministry of Tourism, Ent. & Culture	3 725 237	1.5	105 406	0.1	<b>3 830 643</b>	<b>1.0</b>
Ministry of Finance and Planning and Dept.	124 509 982	51.4	109 247 830	77.2	<b>233 757 812</b>	<b>60.9</b>
Ministry of National Security	26 934 319	11.1	2 314 057	1.6	<b>29 248 376</b>	<b>7.6</b>
Ministry of Justice & Dept.	2 602 419	1.1	355 932	0.3	<b>2 958 351</b>	<b>0.8</b>
Ministry of Foreign Affairs & Foreign Trade	2 355 137	1.0	58 740	0.0	<b>2 413 877</b>	<b>0.6</b>
Ministry of Labour & Social Security	1 514 439	0.6	1 468 431	1.0	<b>2 982 870</b>	<b>0.8</b>
Ministry of Health & Depts.	20 097 680	8.3	902 789	0.6	<b>21 000 469</b>	<b>5.5</b>
Ministry of Agriculture and Lands	3 540 450	1.5	2 122 200	1.5	<b>5 662 650</b>	<b>1.5</b>
Ministry of Industry, Technology, Energy & Commerce	2 873 293	1.2	510 449	0.4	<b>3 383 742</b>	<b>0.9</b>
Ministry of Housing, Transport, Water & Works & Depts.	1 948 184	0.8	15 792 038	11.2	<b>17 740 222</b>	<b>4.6</b>
Ministry of Local Government & Environment	6 272 980	2.6	685 204	0.5	<b>6 958 184</b>	<b>1.8</b>
<b>Total Government expenditure</b>	<b>242 260 977</b>	<b>100</b>	<b>141 430 711</b>	<b>100</b>	<b>383 691 688</b>	<b>100</b>

*Source:* Estimates of expenditure for the year ending 31 March 2008.

## Annex IV

### Ministry of Education recurrent budget (2005/2006–2007/2008)

Current prices J\$'000

	2005/2006	2006/2007	2007/2008
	<i>Actual estimates</i>	<i>Revised estimates</i>	<i>Estimates</i>
<i>Central Administration and Support Services</i>			
Executive direction and administration	728 006	847 520	710 833
Training	2 820	4 062	5 637
Regional & international cooperation	22 944	14 388	15 862
Social and Economic Support Programme	3 000	10 144	10 701
Regional direction and administration	186 596	200 690	221 294
<b>Total Central Administration and Support Services</b>	<b>943 366</b>	<b>1 076 804</b>	<b>964 327</b>
<i>Early childhood education</i>			
Supervision	121 194	144 384	148 458
Basic schools			
Grants for community schools	848 990	910 000	970 000
The Early Childhood Commission	20 459	59 555	106 370
Infant schools			
Grants for direction and administration	73 577	76 227	104 758
Grants for instruction	349 287	305 432	456 946
Grants for maintenance of buildings and equipment	1 000	3 000	3 240
School Feeding Programme	16 803	11 587	20 626
Grants for day-care centres	9 576	10 970	11 066
<b>Total early childhood education</b>	<b>1 440 886</b>	<b>1 521 155</b>	<b>1 821 464</b>
<i>Special education</i>			
Administration and supervision	13 287	14 763	19 443
Grants for direction and administration	77 406	103 194	187 194
Grants for instruction	201 785	236 316	287 210
Grants for maintenance of buildings & equipment	2 932	4 519	5 215
Grants for boarding	3 063	3 590	4 156
Non-governmental organizations	24 550	24 200	46 800
Mico Care Center	39 674	44 088	53 945
<b>Total special education</b>	<b>362 697</b>	<b>430 670</b>	<b>603 963</b>
<i>Secondary education</i>			
Supervision	60 650	71 484	74 336
High schools	8 904 224	11 018 623	10 893 492
Junior high schools and junior high departments	390 479	392 710	378 447
<b>General secondary education</b>	<b>9 355 353</b>	<b>11 482 817</b>	<b>11 346 275</b>

	2005/2006	2006/2007	2007/2008
	<i>Actual estimates</i>	<i>Revised estimates</i>	<i>Estimates</i>
<i>Technical and vocational education</i>			
School supervision and administration	33 496	40 310	38 603
Technical high schools	1 069 539	1 253 658	1 319 059
Agricultural schools	69 790	72 526	70 088
<b>Total technical, vocational and agricultural education</b>	<b>1 172 825</b>	<b>1 366 494</b>	<b>1 427 750</b>
School Feeding Programme	134 427	92 694	165 006
<b>Total secondary education</b>	<b>10 662 605</b>	<b>12 942 005</b>	<b>12 939 031</b>
Adult education	98 163	127 781	134 819
Common educational services	808 075	1 233 168	1 262 833
Library services	686 297	683 143	741 262
<b>Total educational expenditure</b>	<b>33 185 285</b>	<b>40 820 981</b>	<b>41 453 555</b>
Arts and culture	563 526	-	-
Youth development services	251 189	596 355	751 628
<b>Total recurrent expenditure</b>	<b>34 000 000</b>	<b>41 417 336</b>	<b>42 205 183</b>

*Source:* Estimates of expenditure for the year ending 31 March 2008.

## Annex V

Ministry of Education total capital budget<sup>a</sup> (2005/2006–2007/2008)

Current prices J\$'000

	2005/2006	2006/2007	2007/2008
	<i>Actual estimates</i>	<i>Revised estimates</i>	<i>Estimates</i>
<i>Early childhood and primary education</i>			
Early childhood education			
Basic schools			
Community schools	360 519	870	1 020
Enhancement of basic schools (CDB)	55 000	117 000	184 000
Jamaica early childhood development (PHRD)		4 000	36 200
<b>Total</b>	<b>415 519</b>	<b>121 870</b>	<b>221 220</b>
<i>Primary education</i>			
Primary schools	482 000	200 186	24 000
All age schools	10 000	-	-
The Primary Education Improvement Project (PEIP) (IADB)	1 000	-	-
Primary Education Support Project (IDB)	240 000	261 966	700 454
New Horizons for Primary Schools (USAID)	11 000	1 900	-
Expanding Education Horizons Project (USAID)	-	9 000	24 620
Absenteeism in Jamaica's Primary School (IDB/Japan Fund)	-	-	9 580
<b>Total</b>	<b>744 000</b>	<b>473 052</b>	<b>758 654</b>
<i>Special education</i>			
Repairs and maintenance	-	2 300	2 300
<b>Total early childhood, primary &amp; special education</b>	<b>1 159 519</b>	<b>597 222</b>	<b>982 174</b>
<i>Secondary education</i>			
General secondary schools			
High schools			
Repairs and maintenance	2 000	8 000	8 000
Upgrading programme	1 513	-	-
North Western Jamaica Schools Project	806 483	175 187	1 753 874
UDC/WICHON St. Catherine Schools Project	376 746	638 500	-
Reform of Secondary Education – ROSE (Phase 2) (IBRD)	175 000	277 752	326 200
<b>Total</b>	<b>1 361 742</b>	<b>1 099 439</b>	<b>2 088 074</b>

<sup>a</sup> The total capital budget combines the Capital A budget, which consists of locally funded projects, and Capital B, which consists of multilaterally and bilaterally funded projects.

	2005/2006	2006/2007	2007/2008
	<i>Actual estimates</i>	<i>Revised estimates</i>	<i>Estimates</i>
<i>Technical and vocational education</i>			
Technical high schools	700	700	20 000
<b>Total</b>	<b>700</b>	<b>700</b>	<b>20 000</b>
<b>Total secondary education</b>	<b>1 362 442</b>	<b>1 100 139</b>	<b>2 108 074</b>
<i>Tertiary education</i>			
Multidisciplinary colleges	-	-	100 374
Teachers' college	-	-	-
In-service training for teachers – Distance Education Project	50 000	122 827	63 740
<b>Total tertiary education</b>	<b>50 000</b>	<b>122 827</b>	<b>164 114</b>
<i>General administrative and support services</i>			
General administration			
Maintenance of buildings and equipment	3 000	26 914	10 000
Education transformation	1 335 083	1 700 000	2 376 941
Social and Economic Support Programme	6 736	-	-
Social Sector Development Project (IBRD)	-	-	-
<b>Total general administrative and support services</b>	<b>1 344 819</b>	<b>1 726 914</b>	<b>2 386 941</b>

CDB	Caribbean Development Bank.
IBRD	International Bank of Reconstruction and Development.
IADB/IDB	Inter-American Development Bank.
PHRD	Population Human Resource Development Project.
USAID	United States Agency for International Development.



## Annex VI

## Ministry of Education per capita expenditure by level (2006/2007–2007/2008)

(J\$ – current costs)

<i>School levels</i>	2006/2007	2007/2008
	<i>Revised estimates</i>	<i>Estimates</i>
<i>Early childhood</i>		
Basic	8 609	9 557
Infant	28 489	42 242
<b>Average early childhood<sup>a</sup></b>	<b>12 060</b>	<b>14 456</b>
<i>Primary</i>		
Primary	38 688	34 882
Grades 1–6 of all age, primary and junior high	47 608	57 131
<b>Average primary<sup>a</sup></b>	<b>44 230</b>	<b>46 282</b>
<b>Special education</b>	<b>92 917</b>	<b>156 690</b>
<i>Secondary</i>		
Secondary high schools	70 038	70 173
Technical high	66 142	64 762
Voc./agricultural	302 260	259 884
Grades 7–9 of all age, primary and junior high	59 967	69 319
<b>Average secondary education</b>	<b>53 332</b>	<b>51 902</b>
<i>Tertiary</i>		
University of the West Indies	357 183	397 955
University of Technology	137 333	143 077
Teachers' colleges	157 978	152 705
Community colleges	100 736	96 121
Edna Manley College of Visual & Performing Arts	256 409	238 863
College of Agriculture, Science and Education	396 559	266 569
<b>Average tertiary education</b>	<b>233 032</b>	<b>240 424</b>

Source: Planning Unit, Planning and Development Division, MOE.

<sup>a</sup> Average per capita figure for each level includes administration and supervision as well as other costs which are difficult to subdivide among school types.

## Annex VII

**Dropout rate by level 2006/2007**

<i>Grades</i>	<i>1-2</i>	<i>2-3</i>	<i>3-4</i>	<i>4-5</i>	<i>5-6</i>
Primary	-1.3	0	0.4	2.7	-0.3
Males	-1.1	0.4	0.1	3.1	0.1
Females	-1.6	-0.4	0.7	2.2	-0.8

<i>Grades</i>	<i>7-8</i>	<i>8-9</i>	<i>9-10</i>	<i>10-11</i>	<i>11-12</i>	<i>12-13</i>
Secondary	1.7	-12	-	7.8	-	26.2
Males	2.3	-14.9	-	8.3	-	26.8
Females	1.1	-9.1	-	7.3	-	25.8

Dropout rates are not calculated for grades 6, 9-10 and 11-12, as these grades mark the end of that level.

**Numbers of graduates 2007-2008**

	<i>Male</i>	<i>Females</i>	<i>Total</i>
Primary	24 197	23 838	<b>48 035</b>
Secondary	28 439	26 175	<b>54 614</b>
University graduates	3 559	9 060	<b>12 619</b>

*Source:* Statistics Unit, Planning and Development Division, MOE, 2008.

## Appendix 1

### Summary of the recommendations of the Eaton Report

The following is a tabulated summary of the revisions recommended to the Labour Legislation and is an extract from the **Eaton Report**, 1996.

#### 1. Trade Union Act

Updating and effective enforcement of registration requirements, and rules relating to governance of unions.

#### 2. LRIDA

##### (a) Right to unionization

Section 4 (1) to be amended to include right not to form or choose a trade union.

Right of access to trade union or employer's organization to be clarified by inclusion of a non-discrimination clause relating to membership eligibility, covering both unions' and employers' organizations.

**Contract workers:** Section 4 (1) (3) to be revised to offer legal protection to contract workers who may wish to exercise the right to form or join a trade union. Consequentially, definition of dispute (Part I) to be revised to extend right of access to IDT for non-unionized employees, including contract workers.

**Certification process:** When unions claim representational rights.

**Poll-taking rights under section 5 (1):** taking of poll to be obligatory.

**Voluntary recognition:** Provision for voluntary recognition – legal endorsement of.

**Exclusive bargaining rights:** Majority Union to be accorded exclusive bargaining rights – Joint representation/bargaining rights still acceptable at the Industry level.

**Decertification:** Provision to be made for employees to request poll for revocation of bargaining rights to be made by ballot, using same level of support as required for certification.

##### (b) Interest disputes

**Bargaining in good faith:** Legal requirement of bargaining in good faith. Time limits to be stipulated for initiation of negotiations and renegotiation of Collective Agreements (CAs).

**Disclosure norms:** Provisions in the Labour Relations Code appear to be adequate.

##### (c) Rights disputes: Section 6 of LRIDA

Grievance or rights disputes, if not resolved through grievance procedure, must be resolved finally by arbitration without resort to industrial action, including strike or lock-out.

(d) **Third party intervention machinery**

Strengthening of capabilities of Ministry of Labour absolutely essential.

**Strengthening of Industrial Disputes Tribunal:** Staffing and compensation to be improved. Training programme to be instituted. Statutory provision to be made for any party to dispute before IDT, including IDT itself, to take legal action to enforce awards by means of registration of awards/decisions with Courts. To be made applicable also to cease and desist orders of IDT (Section 12 (5)).

(e) **Reinstatement of unjustly dismissed workers** Section 12 (5)

To be made subject to discretion of IDT as to whether worker is to be reinstated or compensated in lieu of reinstatement, based on principle of making the employee “whole”.

(f) **Enforceability of Collective Agreement**

If current, CAs will presumptively be deemed to be legally enforceable unless parties expressly *opt out* within the CA. If expired, existing terms and conditions of the CA continue to be in force until a new agreement is entered into by parties. Unions are to be made parties to CAs.

(g) **Designation of essential services**

**First Schedule, Section 28**

Some services — central banking, public passenger transport, waterfront, petroleum refining distribution, and air transport — should be removed and be made subject to treatment as public interest or national interest disputes under Section 10 and Section 11 A. Penalties for breaches under LRIDA to be increased in current dollar terms and to levels that will make them effective deterrents.

(h) **Alternative administrative structure**

Further consideration to be given (in Final Report) to the creation of Labour Relations Board and Tribunal to encompass IDT and assume from the Ministry of Labour responsibility for certification and administration of unfair labour practices.

(i) **The right to strike**

Provision to be incorporated into LRIDA to effect that *provided* collective bargaining and dispute/grievance settlement procedures under CAs and Labour Relations Code and LRIDA have been exhausted, industrial action (strike or lock-out) shall not be presumptively construed as abandonment or repudiation of contracts of employment either on the part of workers or their employers.

(j) **Notice of industrial action in non-essential services – public interest disputes**

Fifth Schedule to be added to LRIDA to accommodate industries/services designated as public interest disputes, requiring 72 hours notice of intention to strike or lock-out.

(k) **Consultation provision**

All CAs to be deemed to have Consultation Provision akin to stipulation of Grievance Procedure under Section 6. Either party may make request for inclusion in the CA after notice to bargain is served, or after parties initiated bargaining. Consultation

Provision also could be made to deal explicitly with technological change and time limits prescribed, both for notification by employer and response by trade union.

**(l) By amendment to Section 3 (4) of the LRIDA**

The Labour Relations Code is to be made legally enforceable in the sense that either an employer or trade union may invoke the provision of the Code as a bargainable or negotiable issue and failure to reach an accommodation could give rise to a trade dispute leading to referral of the dispute resolution mechanism and procedures set out in the LRIDA.

“We are persuaded that the basis for a new industrial relations order in Jamaica exists in acceptance and practical application of the precepts and procedural and substantive provision of the Labour Relations Code which it is recommended, be given legal force, as well as acceptance of certain other propositions which we have enunciated and which would require reciprocal commitment by employers, trade unions and the government. These propositions require that: firms and organizations integrate human considerations into long-term business or competitive strategies and decision-making; that the labour force be equipped with a sound basic education and be provided with institutional opportunities for continuous learning and upgrading and to have a voice in decisions that affect their employment and income security and career opportunities; that human resources development be made part of the industrial relations system so as to achieve continuous productivity improvement and an adaptable and mobile work force; that strategies to facilitate economic adjustments to technological change and global competition should seek to avoid imposing deep cuts in workers living standards; that strategies to sustain and diffuse innovations require business strategies that emphasize long-run paybacks rather than short-run considerations such as frequent buying and selling of business assets, and finally, that trade union leaders must be willing to accept the principles which innovations embody as part of their basic approach to organizing and representing workers. We recommend also that trade union and management education be conducted jointly as in the past, so that there can be a mutual exchange of viewpoints, orientations and interests within the learning environment, as well as the sharing of approaches to problem solving.

We also strongly recommend that employees and trade unions demonstrate their recognition of the importance of industrial relations by mobilizing the resources needed to establish a chair at the UWI and/or the University of Technology.

The new industrial relations order must be based on appreciation of the fact that the traditional capitalist society has evolved into the post capitalist or employee society, in that workers through their pension funds are now the most important source of equity capital for development purposes.

We endorse the expansion of the ESOP and support the proposals now under consideration for expanding the programme on a viable and self sustaining basis.

Finally, we also endorse the importance attached to health and safety at the work place by both employers and unions and, we urge as part of this first tranche of labour market reform, the early enactment of the new Occupational Safety and Health Act.

No efforts are being made to enshrine the Right to Strike in the Constitution as that proposal as has been rejected by both management and the Trade Unions.”