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Summary of stakeholders' submissions on Jamaica*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of thirteen stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. JS1 recommended Jamaica to ratify the OP-CEDAW.⁴
3. JS3 and JS4 recommended Jamaica to ratify the ICCPR-OP 2 and CAT.⁵
4. Parliamentarians for Global Action (PGA) recommended Jamaica to accede to the ICPPED.⁶
5. PGA recommended Jamaica to ratify the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the International Criminal Court.⁷
6. JS1 indicated that Jamaica should ratify the Escazú Agreement.⁸

B. National human rights framework

1. Constitutional and legislative framework

7. JS4 stressed that Jamaica had relied heavily on States of Public Emergency as a routine crime-fighting measure, prompting criticism from civil society for potential breaches of the Jamaican Constitution and international human rights conventions.⁹ JS3 and JS4 recommended that Jamaica cease the practice of declaring States of Emergency to respond

* The present document is being issued without formal editing.



to outbreaks in criminal behaviour;¹⁰ and to limit States of Public Emergency to genuine emergencies as per Article 4 of ICCPR, requiring parliamentary approval within 14 days and banning rolling extensions without supermajority vote.¹¹ JS4 added that Jamaica should focus on social interventions and on phasing out militarized tactics.¹²

8. JS1 reported that Jamaica had not fully domesticated CEDAW into its legislation and has not ratified its Optional Protocol, forgoing an avenue that could allow survivors to seek international review of their cases.¹³

2. Institutional infrastructure and policy measures

9. Equality for All Foundation (EFAF) recalled the commitment of the Government of Jamaica to establish a national human rights institution in accordance with the Paris Principles.¹⁴

10. JS4 recommended to constitutionally entrench a national human rights institution as a Commission of Parliament, replacing the Public Defender (Interim) Act, with a mandate to protect and promote all rights.¹⁵

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

11. JS5 stressed that the 2011 Charter of Fundamental Rights and Freedoms did not contain a comprehensive definition of discrimination. JS5 recommended Jamaica to amend the Charter by 2026 to comprehensively protect against discrimination on all grounds (gender, sexual orientation, gender identity, health status, disability, marital status), ensuring its applicability to state and non-state actors. It also recommended enacting a standalone Anti-Discrimination Act, establishing a national human rights institution to monitor and address discrimination complaints across all sectors.¹⁶

Right to life, liberty and security of person, and freedom from torture

12. Although there were no individuals in the death row, JS3 highlighted that Jamaica had not made progress towards the abolition of the death penalty since 2020. People charged with capital crimes have inadequate legal representation and face lengthy delays in the appeal process, while courts allow prosecutors to use confessions obtained through coercion to obtain convictions, and police and prosecutors lack transparency and oversight.¹⁷ JS4 recommended amending the Offences Against the Person Act to abolish capital punishment, replacing it with parole-eligible life sentences.¹⁸ JS3 recommended abolishing the death penalty and replace it with penalties that are fair, proportionate and consistent with international human rights standards. In the interim, it recommended establishing a de jure moratorium on executions and ensure that all people at risk of being sentenced to death receive competent and independent legal representation.¹⁹ JS3 also recommended ensuring that every person charged with a capital crime has access to counsel at all times and ensure that the defence team has sufficient funding to conduct a thorough investigations.²⁰

13. Jamaicans for Justice (JFJ) indicated that, despite Jamaica's support to the UPR recommendations to prohibit corporal punishment in all settings, the implementation of Section 9 of the Child Care and Protection Act was undermined by the common law defence of "reasonable chastisement". This legal loophole permitted violent disciplinary practices and the persistence of high rates of child abuse in Jamaica.²¹ JFJ and JS2 recommended prohibiting corporal punishment in all settings.²²

14. JS1 alerted that mentally ill detainees were kept in prisons that lacked adequate care, in contravention to article 19 of the CRPD and in violation of constitutional and international law prohibiting inhumane treatment.²³ JS1 recommended to urgently review all cases of indefinite detention and conduct prompt psychiatric evaluations for each detainee, establish

a dedicated forensic psychiatric facility, and expand community-based mental health services to divert individuals into treatment rather than incarceration.²⁴

15. JS4 underlined that section 25(2)(a) of the Criminal Justice Administration Act allowed the detention of individuals "at the court's pleasure" without any clear guidelines or oversight. This vague language effectively provided authorities with carte blanche to detain individuals indefinitely. JS4 recommended replacing section 25(2)(a) with legislation prohibiting indefinite detention, mandating six-month judicial reviews with psychiatric evaluations and free legal representation, per article 9 of ICCPR.²⁵

Administration of justice, including impunity, and the rule of law

16. JFJ underlined that Jamaica was increasingly pursuing more punitive and inflexible penalties with reduced judicial discretion, including for children. It expressed concern about a legislative trend seeking to remove crucial safeguards such as ensuring Children's Court jurisdiction for younger children and maintaining judicial discretion in sentencing. It recommended rejecting mandatory minimum sentences for children and uphold judicial discretion considering individual circumstances and rehabilitation potential, aligned with juvenile justice principles. It also recommended prioritizing rehabilitation over punishment in juvenile justice reforms.²⁶

17. JS1 reported that the criminal justice system of Jamaica had long been characterized by excessive use of force by law enforcement and by inadequate accountability. It highlighted the establishment of the Independent Commission of Investigations (INDECOM) to address police oversight as well as the Special Coroner's Court for police-related deaths. However, it alerted that these new agencies had neither the resources nor the political backing to effectively curb police abuses and prevent excessive delays.²⁷ JS4 recommended amending the INDECOM Act to grant full prosecutorial authority for incident-related offenses.²⁸ JS1 recommended strengthening the mandate of INDECOM and adequately resource it to investigate police misconduct and to undertake legislative reforms to facilitate its investigations.²⁹ JS4 recommended establishing a National Preventive Mechanism for independent inspections.³⁰ Regarding the Special Coroner's Court, JS4 recommended appointing two additional special coroners to cover all 14 parishes, funded by a dedicated budget increase.³¹

18. JS3 indicated that Jamaica had failed to ensure access to justice for women in conflict with the law. Furthermore, gaps in training for judges leave women vulnerable to being sentenced to death without courts considering gender-based violence as a mitigating factor. It highlighted that women on death row came from backgrounds of severe socio-economic deprivation and many were illiterate.³² JS3 recommended Jamaica to request technical assistance to train prosecutors and judges who handle capital cases on issues relating to gender-based discrimination and violence, domestic violence, and tactics of coercive control that can lead to women committing death-eligible offenses.³³ JS3 also recommended ensuring that all women accused of capital crimes have access to free and effective legal representation by attorneys specialized in death penalty cases and with specific training on gender-sensitive defence strategies and mitigation.³⁴

19. Anglican Communion (AC) commended Jamaica for the decline in the number of children in police custody and the increased resources made available for both the police and the Office of the Children's Advocate to address children in trouble with the law. It highlighted that much more resources would be needed to sustain this progress.³⁵

20. JS4 reported that pretrial detention remained a significant justice issue in Jamaica, contributing to overcrowding, prolonged deprivation of liberty, and violations of due process. It highlighted that the root causes of excessive pre-trial detention included court backlogs, limited legal aid and restrictive bail policies.³⁶

21. JS4 reported that the Bail Act 2023, designed to balance public safety and individual rights, raised concerns about potential breaches of the Jamaican Constitution and contradictions with the ICCPR. JS4 added that, without clear time limits for judicial review, the Act's reliance on unchecked judicial authority heightened the risk of constitutional and international law breaches. JS4 recommended amending the Bail Act 2023 to align it with international best practices and with ICCPR obligations, ensuring that pre-charge restrictions

(up to one year under Section 7) do not unduly erode equality, the presumption of innocence and the right to liberty, and implement robust safeguards against arbitrary detention.³⁷

22. JS1 stressed that Jamaica's courts struggled with a heavy caseload and limited judicial resources, leading to significant backlogs and systematic delay. While the Jamaica's legal aid system provide representation to those who cannot afford lawyers in serious criminal cases and some limited civil cases, that particular department is severely under-resourced, according to JS1.³⁸ JS1 recommended reducing the case backlog and pretrial detention periods, by increasing the number of judges and prosecutors, expanding court hours, creating structural reforms around the jury system, and employing diversion for minor offenses. It also recommended increasing legal aid to ensure indigent defendants receive competent representation.³⁹

23. JS3 reported that conditions of detention remained inhumane. INDECOM has investigated detention conditions and documented decaying infrastructure, regular bug infestation, poor sanitary conveniences, and, in some locations, very poor sleeping conditions.⁴⁰ JS4 added that overcrowding, unsanitary lockups, lack of medical care, and abuse continued despite some efforts to improve.⁴¹ JS3 recommended Jamaica to align detention conditions with the Nelson Mandela and the Bangkok Rules, in particular by reducing overcrowding, improving access to medical care for people in detention, and improving sanitary conditions, while taking into account the particular needs of women in detention.⁴² JS4 made a similar recommendation.⁴³

24. JS1 underlined that Jamaica had a robust set of anti-corruption laws, in particular the Integrity Commission Act (ICA) and the Protected Disclosures Act (PDA). However, the ICA contained a gag clause (no. 53) that prohibited the Commission from publicly commenting on ongoing investigations, therefore hindering transparency.⁴⁴ JS6 reported that the Integrity Commission created by ICA had its effectiveness significantly undermined by that restrictive gag clause and by the lack of constitutional independence.⁴⁵ JS1 and JS6 recommended amending the ICA to remove or reform the gag clause and to strengthen the Commission's independence through its constitutional entrenchment. They also recommended granting the Commission prosecutorial powers or to establish a special corruption prosecutor. They also recommended reforming the PDA to broaden its coverage, shift the burden of proof in retaliation cases and permit external disclosures when necessary. They also recommended repealing the Official Secrets Act to protect good-faith whistleblowers.⁴⁶

Fundamental freedoms and the right to participate in public and political life

25. JS6 stressed the challenging environment marked by threats and legal vulnerabilities that human rights defenders faced in Jamaica.⁴⁷ JS1 added that civil society actors faced increasing political hostility from parliamentarians that disparaged human rights organizations, dismissing their expertise and undermining their legitimacy. Furthermore, Integrity Commission staff have been vilified after issuing reports critical of high-ranking officials. JS1 reported on attacks against the Integrity Commission and civil society by members of Parliament. It recommended that officials publicly affirm the important role played by human rights defenders and civil society organizations, and that Jamaica adopt a national human rights defenders policy or strengthen existing mechanisms like the Protected Disclosures Act, and swiftly investigate and punish threats or harassment directed at human rights defenders.⁴⁸ JS6 recommended enacting a Human Rights Defenders Act to establish legal protections, provide emergency funds, and amend the PDA to extend coverage to journalists and non-profit organizations.⁴⁹

Right to marriage and family life

26. JFJ reported that the adoption process of the Child Protection and Family Services Agency (CPFSA) was delayed by bureaucracy and understaffing. In addition, many children in care homes remain unadoptable due to unterminated parental rights. The Children (adoption of) Act lacked timelines for declaring children adoptable. JFJ recommended improving care conditions, prioritizing family-based care, and streamlining adoption processes.⁵⁰

27. JS2 indicated that, whilst legal measures were in place to ensure men were liable for child support, the implementation of court orders and follow up to ensure payments were made was weak.⁵¹

Prohibition of all forms of slavery, including trafficking in persons

28. The European Centre for Law and Justice (ECLJ) informed that Jamaica served as both a source and destination country for human trafficking.⁵² AC commended Jamaica for ensuring that the victim support unit in the Ministry of National Security provided emotional and psychological counselling to victims.⁵³ While commending Jamaica's commitment to strengthen its work to combat trafficking, especially through the National Task Force Against Trafficking in Persons, AC stressed that more work was needed to eliminate trafficking.⁵⁴

29. ECLJ stated that Jamaica had failed to effectively combat human trafficking, to protect victims and to bring perpetrators to justice. It highlighted the low number of convictions for this crime.⁵⁵ ECLJ recommended Jamaica to effectively combat human trafficking, by allocating more resources to allow prosecutors and authorities to quickly and effectively investigate cases of human trafficking and prosecute human traffickers to the fullest extent of the law. It further recommended providing resources and aid to victims of human trafficking so that they can work with authorities to provide the evidence needed to prosecute all cases of human trafficking.⁵⁶

30. JFJ indicated that child trafficking was a severe challenge in Jamaica. Although the Trafficking in Persons Act prescribed penalties up to 30 years for child trafficking, yet its implementation lagged, and very limited convictions were rendered since the last review. JFJ recommended improving victim's identification, enhancing police training to improve identification and investigation of child trafficking cases, and increasing funding for victim support services, including safe houses and counselling.⁵⁷

Right to work and to just and favourable conditions of work

31. EFAF underlined that the absence of laws and policies prohibiting discrimination in hiring practices within the private sector added precarity for LGBTI persons.⁵⁸

32. JS2 reported that sexual harassment in the workplace was widespread and recommended addressing this issue.⁵⁹

Right to social security

33. EFAF highlighted that there was no constitutional protection within the 2011 Charter of Fundamental Rights and Freedoms for the right to social security, housing or work. Social protection is secured through piecemeal legislation, policies and programmes.⁶⁰ EFAF recommended amending the Charter to prohibit all forms discrimination, and to explicitly include discrimination based on age, sex, gender, gender identity, sexual orientation, health status, disability and marital status, whether in the public or private sector. It also recommended enacting comprehensive anti-discrimination legislation to provide accessible remedies for all forms of discrimination whether in public or private sector and in the context of education, health, housing, social security, employment or accessing services.⁶¹

Right to an adequate standard of living

34. EFAF indicated that the government of Jamaica has not adopted a revised national policy on housing.⁶² EFAF recommended that Jamaica revise its approach to social protection and poverty to more specifically address the challenges faced by vulnerable groups. It also recommended consolidating social protection laws and policies to ensure greater harmonization, remove duplication and ensure that the services offered are non-discriminatory and responsive to vulnerable groups' needs.⁶³

35. EFAF also recommended revising the existing policy on homelessness, implementing a responsive and non-discriminatory policy on housing and homelessness and mobilizing resources to address the homeless population needs.⁶⁴

Right to health

36. JS5 reported that Jamaica had not made any notable progress on sexual and reproductive rights, maternal mortality, or abortion since its last UPR review. It recommended enacting a Sexual and Reproductive Health law by 2026.⁶⁵ It also recommended to fully decriminalize abortion, by repealing Section 72 of the Offences Against the Person Act by 2025, establish a rights-based framework for safe, legal abortions to reduce maternal mortality and morbidity, and provide legal protections for healthcare providers performing medically necessary procedures.⁶⁶

37. AC commended Jamaica for its drive towards reducing and even eliminating mother to child HIV transmission.⁶⁷ It recommended reducing maternal mortality to at least pre-COVID levels, as well as to work with churches and civil society groups to scale up parenting programmes to provide support, education and encouragement, especially to single mothers, including those living with HIV, so as to address stigma and discrimination.⁶⁸

38. JS5 was alarmed by the prevalence of unauthorized disclosure of HIV status and called for a comprehensive legal and policy reform, specifically advocating for constitutional protection of the health status, the enactment of targeted legislation prohibiting unauthorized disclosure across all contexts, and to conduct robust public education campaigns to actively challenge stigma and discrimination.⁶⁹

Right to education

39. JFJ recommended that Jamaica expand the constitutional right to education to the secondary level during the current constitutional reform process.⁷⁰

40. Broken Chalk underlined that the dropping out of schools in Jamaica posed a significant obstacle to both individual opportunities and the country's overall development. Although enrolment rates in primary education are relatively high, a substantial number of pupils drop out of the education system before completing secondary school. The factors leading to such elevated dropouts are poverty and socio-economic inequalities, the expenses related to uniforms, textbooks, transportation and other schooling necessities. In addition, male students are more inclined to discontinue their education, mainly in rural areas.⁷¹ Broken Chalk recommended to enhance vocational and technical education options in secondary schools, providing students with hands-on skills that motivate them to complete their education, and to improve the financial assistance for families to enable them to cover school-related costs and reduce dropout rates caused by economic pressure. Broken Chalk also recommended enhancing transportation alternatives for students, especially in rural regions, by creating subsidised transport services to guarantee safe and dependable trips to school.⁷²

41. Broken Chalk stressed the low quality of education in Jamaica due to a severe shortage of teachers, the low retention rates, insufficient salaries and scarcity of training opportunities for teachers. Broken Chalk recommended addressing the pressing need to elevate teacher salaries in Jamaica to enhance the competitiveness and appeal of the profession, thereby boosting retention rates and attracting qualified educators, especially in essential fields such as science and mathematics.⁷³

42. JFJ expressed grave concern about the ongoing exclusion of children from Jamaican schools based on hairstyles, particularly dreadlocks common in the Rastafarian faith. This challenged the rights to education and freedom of expression and went against a 2023 Court of Appeal ruling and the National School Grooming Policy. It pointed at a gap between policy and enforcement. JFJ recommended ensuring stronger enforcement of policies protecting children's right to education and freedom of expression, particularly regarding exclusions based on grooming and hairstyles, and to strengthen the enforcement of anti-discrimination policies to end grooming-based exclusion.⁷⁴

Development, the environment, and business and human rights

43. Just Atonement Inc (JAI) alerted that Jamaica was deeply vulnerable to the impacts of climate change. Increase in temperature and sea-level rise and coastal erosion will have devastating impacts on the right to life, to health, to clean, healthy and sustainable

environment as well as to a variety of other economic, cultural and social rights of Jamaicans.⁷⁵ In addition, the areas most exposed to and least equipped to deal with hazards such as floods and hurricanes are along the coast, where most of Jamaica's major towns are located. Resources will be lost and agriculture will be severely impacted. JAI indicated that Jamaica should prioritize a human rights-based approach in addressing such impacts, particularly in managing internal displacement and protecting vulnerable communities, such as children, the elderly, and persons with disabilities.⁷⁶

44. JAI underlined that Jamaica had taken a proactive approach to addressing climate change and highlighted the Vision 2030 Jamaica National Development Plan and the National Adaptation Plan. However, JAI highlighted additional opportunities to strengthen Jamaica's adaption approach through the development of a national strategy to assess the impact of climate change on health and the increase of the climate resilience of health infrastructure.⁷⁷ JAI pointed at the need for Jamaica to protect the self-determination of its peoples in a rapidly warming climate system, protect the right of development for Jamaica in an era of accelerating climate change impacts, and protect Jamaica's permanent sovereignty over its natural resources. It also stressed the need to protect economic, social, and cultural human rights, including the right to adequate shelter, the right to work and dignified working conditions, and the right to health.⁷⁸ JS2 recommended that Jamaica save the coastline from further erosion, particularly through the protection of mangroves.⁷⁹

45. JS1 indicated that, despite the enactment of the Access to Information Act, accessing critical environmental information remained difficult, particularly when the issue was controversial. JS1 recommended adopting a consultation policy for the general public or drafting a public consultation legislation.⁸⁰ JS1 also recommended repealing the Natural Resources Conservation Authority Act or enacting new legislation to establish an environmental regulatory authority which would assume full responsibility for environmental monitoring and enforcement.⁸¹ JS6 recommended amending the Access to Information Act to establish an independent statutory oversight body with investigatory powers and sanction authority.⁸²

2. Rights of specific persons or groups

Women

46. JS1 reported that gender-based violence was one of the most pressing human rights challenges in Jamaica, rooted in gender inequality and sustained by a culture of silence and impunity. High rates of violence persist and comprehensive data on the issue is lacking. In addition, underreporting persists driven by fear, stigma and low confidence that authorities will respond effectively and fear of re-victimization. This results in a large gap between the prevalence of gender-based violence and the number of cases that enter the justice system, therefore contributing to impunity for perpetrators.⁸³ JS5 indicated that the Government of Jamaica acknowledged the need for further legislative reforms but had yet to take substantive action to address these gaps.⁸⁴

47. EFAF recommended to fully implement the National Policy on Gender Equality and the National Strategic Action Plan to Eliminate Gender Based Violence.⁸⁵ JS5 recommended enacting and implementing a comprehensive legislative and regulatory framework to protect women from all forms of gender-based violence.⁸⁶ JS1 recommended ensuring a strong enforcement of protection orders and accountability for officers who mishandle gender-based violence complaints. These steps can help rebuild trust and remove the culture of silence and impunity around gender-based violence and encourage more survivors to seek justice.⁸⁷

48. JS1 highlighted that the Domestic Violence Act (DVA) provided important remedies such as protection orders, but it did not explicitly cover psychological abuse or economic coercion, leaving many survivors of non-physical violence without full legal protection.⁸⁸ JS5 highlighted that the DVA did not provide a comprehensive definition of domestic violence.⁸⁹ JS1 recommended amending the DVA to explicitly include coercive control (psychological, emotional, and economic abuse) and expand protection order eligibility to include intimate partners not cohabiting.⁹⁰ JS5 also recommended including provisions in the DVA for compensating victims for personal injury, psychological harm, and financial losses.⁹¹

49. According to JS1, the Offences Against the Person Act contained provisions that reflected outdated views on gender and sexuality such as “buggery”. It recommended repealing the Offences Against the Person Act.⁹² Jamaica’s 2011 Charter of Fundamental Rights and Freedoms notably does not include “sex”, “gender”, and “sexual orientation” as prohibited grounds of discrimination, weakening the constitutional protection against gender-based harms.⁹³ JS1 recommended amending that Charter to include these terms.⁹⁴

50. JS1 underlined that marital rape was still not fully criminalized in all circumstances.⁹⁵ JS1 recommended Jamaica to amend the DVA and the Sexual Offences Act 2009 to explicitly criminalize marital rape without exceptions, and not just for a narrow sub-set of circumstances.⁹⁶

51. JS3 recommended to commission an independent investigation into allegations of rape and other forms of sexual assault against women in detention and implement strategies to enhance accountability for perpetrators and to provide support for victims.⁹⁷

52. JS1 underlined that support services for gender-based violence survivors, such as the Domestic Violence Intervention Centres and shelters, were insufficient, particularly in rural areas.⁹⁸ JS1 indicated that, even when laws to protect victims existed, their implementation lacked. Survivors who pursue justice frequently encounter hostile or dismissive treatment by authorities, discouraging others from coming forward.⁹⁹ JS1 recommended Jamaica to allocate more resources for survivor support services, including opening additional shelters, and ensuring every parish has accessible crisis centres or Centre for Investigation of Sexual Offences and Child Abuse units.¹⁰⁰ JS1 recommended ensuring that survivors of sexual and gender-based violence are treated with dignity, adopting trauma-informed interviewing techniques.¹⁰¹ JS2 recommended that victims of sexual and gender-based violence are provided with appropriate medical, psychological, social, material, legal and emotional support.¹⁰²

Children

53. JS2 expressed concern about the continuing high number of violent deaths of children in Jamaica and referred to violence in schools.¹⁰³ JS2 recommended addressing the root causes of violence and increasing the number of counsellors and/or social workers in the school system, supported by subsidised training programmes for these professionals.¹⁰⁴

54. AC underlined the importance of education and skills development for youth at risk of experiencing violence and being recruited into gangs.¹⁰⁵ AC recommended allocating greater resources to the Office of the Children’s Advocate and, by partnering with churches, the reparations unit at the University of the West Indies and other civil society organizations on social transformation.¹⁰⁶ It recommended reducing the number of youth at risk of violence and recruitment to gangs, by working with churches to improve values and skills-based education, reduce food poverty, and increase interventions in risk homes.¹⁰⁷

55. JFJ underlined the progress achieved by Jamaica by repealing Section 24 of the Child Care and Protection Act in 2023, which previously allowed detention of children deemed “uncontrollable”. However, it indicated that several children remained detained in the Rio Cobre and South Camp Juvenile Detention Centres. JFJ recommended Jamaica to take measures to fully implement the Child Care and Protection (Amendment) Act, ensuring children detained for behavioural challenges are released or placed in appropriate care.¹⁰⁸

56. JFJ underlined that the Child Diversion Act (2018) granted courts discretion to divert children from formal prosecution, including for serious offenses, with the objective to prioritize rehabilitation over punishment. However, there is a lack of a clear schedule delineating eligible serious offenses. JFJ recommended amending the Child Diversion Act to include a schedule to empower courts to divert serious offenses and to develop police practice guidelines.¹⁰⁹ JS2 recommended to better protect children in the court system through shorter legal processes where minors are involved.¹¹⁰

57. JFJ recalled the previous recommendations that called for the improvement of the conditions in juvenile facilities. Yet, it reported that abuse persisted and confirmed cases of excessive force used in wards, including severe beatings resulting in injuries. It recommended enhancing the oversight of juvenile facilities with unannounced inspections, investigations

of cases of abuse and strict disciplinary actions for abusive staff. It also recommended ensuring juvenile facilities meet hygiene and safety standards, including clean sleeping areas, pest control, clean water access, and maintained bathrooms. JFJ also recommended guaranteeing that children housed in juvenile correctional facilities are given the opportunity to speak in court and participate in their judicial proceedings.¹¹¹

58. JFJ stated that sexual violence and exploitation of children remained pervasive in Jamaica. The Sexual Offences Act and Child Care and Protection Act (CCPA) criminalizes such acts, but enforcement is inconsistent. This results in the persistence of low conviction rates and inadequate support to victims. JFJ recommended enhancing the enforcement of the CCPA and of the victim support services, expanding trauma-informed support services, including counselling and legal aid, for child survivors and allocating resources to target exploitation in high-risk areas like tourist zones and informal settlements.¹¹²

59. Regarding child labour, JFJ indicated that the CCPA ruled as illegal the employment of children who were less than 13 years old. However, CCPA permits light work between the ages 13 to 15 years. JFJ considered that the enforcement of the CCPA was weak. It recommended strengthening the enforcement and monitoring of the CCPA in informal sectors.¹¹³

Older persons

60. AC recommended prioritizing care for the elderly, working with churches to provide affordable care and involving youth in the search for society-wide solutions.¹¹⁴

Persons with disabilities

61. JS5 reported that persons with disabilities faced significant gaps in their legal protection and access to justice, undermining their rights under CRPD. The Disabilities Act, enacted since the last review, prohibits discrimination based on disability and mandates public spaces and services to be accessible but its enforcement is inconsistent. JS5 recommended to fully enforce the Disabilities Act by 2025, with a detailed, publicly available timeline and dedicated funding to transition all public infrastructure and services to be accessible. This should be monitored by an independent oversight body. It also recommended amending the 2011 Charter of Fundamental Rights and Freedoms by 2026 to explicitly include disability as a protected category in Section 13(3)(i), ensuring comprehensive protection against discrimination.¹¹⁵

Lesbian, gay, bisexual, transgender and intersex persons

62. JS5 reported that LGBTIQ individuals in Jamaica faced pervasive discrimination and violence due to inadequate legal protections and entrenched societal attitudes.¹¹⁶ JS1 highlighted that homophobia and transphobia affected how LGBTQ+ were treated by authorities.¹¹⁷ It added that LGBTQ+ individuals often feared hostile treatment if they came into contact with law enforcement or the courts, owing to entrenched homophobia.¹¹⁸ JS5 recommended amending the 2011 Charter of Fundamental Rights and Freedoms by 2026 to explicitly include sexual orientation and gender identity as protected categories in Section 13(3)(i), ensuring full equality under the law. It also recommended enacting comprehensive anti-discrimination legislation covering sexual orientation and gender identity, with enforceable penalties and a dedicated oversight body to address violations.¹¹⁹

63. EFAF stressed that the legal situation of Jamaica, and in particular section 76 of the Offences Against the Person Act (OAPA), negatively impacted the ability of LGBTI people to realise their rights, therefore constituting a form of legal discrimination.¹²⁰ It added that the Property (Rights of Spouses) Act 2004, the Domestic Violence Act 2005 and the Maintenance Act 2005 all exclude same-sex couples from their protection. LGBTI persons are not protected from domestic violence when the relationship is non-cohabitational nor are they guaranteed property and maintenance rights as safety nets at the end of their relationships. In addition, these laws are protected from constitutional challenge by section 18(1) of the 2011 Charter of Fundamental Rights and Freedoms and by section 18(2) that prohibited same-sex unions.¹²¹ The amendments of the Domestic Violence Act have not brought improvements to the rights of LGBTI persons.¹²² JS1 recommended repealing

Sections 76, 77, and 79 of the Offences Against the Person Act 1962, which criminalize consensual same-sex relations and enable discriminatory policing against LGBTQ+ individuals.¹²³

64. EFAF underlined that, during the previous UPR cycle, several delegations recommended to either decriminalize same-sex relations between consenting adults or to enact anti-discrimination provisions. According to EFAF, none of these recommendations have been implemented.¹²⁴ EFAF and JS5 recommended amending the Offences Against the Person Act to decriminalize same-sex sexual relations between consenting adults and to redefine sexual intercourse, rape, grievous sexual assault and sexual intercourse with a person under 16 to be gender neutral, and afford equal protection to all persons from different forms of sexual violence.¹²⁵

Notes

¹ A/HRC/46/18 and the addendum A/HRC/46/18/Add.1, and A/HRC/46/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

Anglican Communion	Anglican Consultative Council, London (United Kingdom of Great Britain and Northern Ireland);
Broken Chalk	The Stichting Broken Chalk, Amsterdam (Netherlands);
ECLJ	European Centre for Law and Justice, The, Strasbourg (France);
EFAF Jamaica	Equality for All Foundation Jamaica Limited, Kingston (Jamaica);
J.F.J	Jamaicans for Justice, Kingston (Jamaica);
JAI	Just Atonement Inc., 2nd Floor (United States of America);
PGA	Parliamentarians for Global Action, New York (United States of America).

Joint submissions:

JS1	Joint submission 1 submitted by: ICAAD, Chappaqua (United States of America); International Center for Advocates Against Discrimination (ICAAD); Stand Up for Jamaica (SUFJ); Jamaicans for Justice (JFJ); and Jamaica Environmental Trust (JET);
JS2	Joint submission 2 submitted by: World Council of Churches Commission of the Churches on International Affairs, Geneva 1211 (Switzerland); United Church of Christ in Jamaica and the Cayman Islands, The Caribbean and North American Council for Mission (CANACOM);
JS3	Joint submission 3 submitted by: Advocates for Human Rights, Minneapolis (United States of America); The Advocates for Human Rights, Greater Caribbean for Life, Stand Up For Jamaica, The World Coalition Against the Death Penalty;
JS4	Joint submission 4 submitted by: Jamaicans for Justice, Kingston (Jamaica); Stand Up for Jamaica;
JS5	Joint submission 5 submitted by: Equality for All Foundation Jamaica Limited, Kingston (Jamaica); Equality for All Foundation; Jamaicans for Justice; Stand Up for Jamaica; Jamaica Community of Positive Women;
JS6	Joint submission 6 submitted by: Stand Up for Jamaica, Kingston (Jamaica); National Integrity Action, Jamaicans for Justice.

³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- ⁴ JS1, p. 12.
- ⁵ JS3, para. 25 and JS4, pp. 2 and 7.
- ⁶ PGA, para. 7.
- ⁷ PGA, para. 7.
- ⁸ JS1, pp. 11 and 14. See also JS2, pp. 7-8.
- ⁹ JS4, p. 3.
- ¹⁰ JS3, para. 25.
- ¹¹ JS4, p. 4.
- ¹² JS4, p. 4.
- ¹³ JS1, p. 3.
- ¹⁴ EFAF, paras. 17 and 20.
- ¹⁵ JS4, p. 11.
- ¹⁶ JS5, pp. 8-9.
- ¹⁷ JS3, paras. 4-6 and 23. See also JS4, p. 6.
- ¹⁸ JS4, p. 7.
- ¹⁹ JS3, para. 25.
- ²⁰ JS3, para. 25.
- ²¹ JFJ, p. 5.
- ²² JFJ, p. 5 and JS2, pp. 2-3.
- ²³ JS1, pp. 7-8. JS4 p. 11.
- ²⁴ JS1, pp. 8 and 13. See also JS4 p. 12.
- ²⁵ JS4, pp. 11-12. See also JS1 p. 13.
- ²⁶ JFJ, p. 4. See also JS4 p. 5.
- ²⁷ JS1, p. 5. See also JS3 para. 10 and JS4 pp. 7-9.
- ²⁸ JS4, p. 9.
- ²⁹ JS1, pp. 6 and 13.
- ³⁰ JS4, p. 9.
- ³¹ JS4, p. 10.
- ³² JS3, paras. 18 and 21-22.
- ³³ JS3, para. 25.
- ³⁴ JS3, para. 25.
- ³⁵ AC, para. 9.
- ³⁶ JS4, p. 4.
- ³⁷ JS4, pp. 2-4.
- ³⁸ JS1, pp. 5-6.
- ³⁹ JS1, pp. 6 and 12-13. See also JS4 p. 5.
- ⁴⁰ JS3, paras. 12 and 15. See also JS4, p. 1.
- ⁴¹ JS4, p. 1.
- ⁴² JS3, para. 25.
- ⁴³ JS4, p. 2.
- ⁴⁴ JS1, pp. 10 and 14.
- ⁴⁵ JS6, pp. 2 and 10.
- ⁴⁶ JS1, pp. 10 and 14 and JS6 pp. 4 and 7.

- 47 JS6, p. 9.
- 48 JS1, pp. 9 and 13–14.
- 49 JS6, p. 10.
- 50 JFJ, pp. 7–8.
- 51 JS2, p. 3.
- 52 ECLJ, para. 8.
- 53 AC, para. 6.
- 54 AC, paras. 5–6. See also JS5 pp. 11–12.
- 55 ECLJ, paras. 9–11. See also JS5 p.12.
- 56 ECLJ, para. 18. See also JS5 p. 12 and AC p. 5.
- 57 JFJ, p. 7.
- 58 EFAF, para. 14.
- 59 JS2, pp. 4–5. See also JS5 pp. 2–3.
- 60 EFAF, para. 12.
- 61 EFAF, p. 5.
- 62 EFAF, para.11.
- 63 EFAF, p. 5.
- 64 EFAF, p. 5.
- 65 JS5, pp. 5–6.
- 66 JS5, p. 6.
- 67 AC, paras. 13–14.
- 68 AC, p. 5.
- 69 JS5, pp. 7–8.
- 70 JFJ, p. 5.
- 71 Broken Chalk, paras. 9–15. See also AC, para. 21; JS2 pp. 3–4.
- 72 Broken Chalk, paras. 26 and 31–32.
- 73 Broken Chalk, paras. 22–25, 29 and 36.
- 74 JFJ, pp. 5–6.
- 75 JAI, paras. 1 and 5–6. See also JS2 p. 7.
- 76 JAI, paras. 9–20.
- 77 JAI, paras. 23–24.
- 78 JAI, para. 27.
- 79 JS2, p. 8.
- 80 JS1, pp. 11–12 and 14.
- 81 JS1, p. 14.
- 82 JS6, p. 7.
- 83 JS1, pp. 2–3. See also JS2 p. 4; JS5 p. 2.
- 84 JS5, p.2.
- 85 EFAF, p. 6. See also JS2 p. 4.
- 86 JS5, p. 3.
- 87 JS1, p. 5.
- 88 JS1, p. 3. See also JS3, para. 19; JS5 p. 2.
- 89 JS5, p. 3.
- 90 JS1, p. 12. See also JS5, p. 4.
- 91 JS5, p. 4.
- 92 JS1, pp. 3–5 and 12.
- 93 JS1, p. 3. See also JS3, para. 19 and JS5, p. 2.
- 94 JS1, pp. 3–4.
- 95 JS1, p. 3.
- 96 JS1, pp. 4–5 and 12. See also JS5, p. 3.
- 97 JS3, para.25.
- 98 JS1, p. 3. See also JS5, p. 3.
- 99 JS1, p. 3.
- 100 JS1, p. 5. See also JS5, p. 4.
- 101 JS1, p. 5.
- 102 JS2, pp. 4–5.
- 103 JS2, p. 2.
- 104 JS2, pp. 3–4.
- 105 AC, para. 24.
- 106 AC, p. 5.
- 107 AC, p. 5.
- 108 JFJ, p. 2.

- ¹⁰⁹ JFJ, p. 3.
¹¹⁰ JS2, p. 4.
¹¹¹ JFJ, pp. 3–4.
¹¹² JFJ, p. 6.
¹¹³ JFJ, pp. 6–7.
¹¹⁴ AC, p. 5.
¹¹⁵ JS5, p. 10.
¹¹⁶ JS5, p. 11.
¹¹⁷ JS1, p. 4.
¹¹⁸ JS1, p. 6.
¹¹⁹ JS5, p. 11.
¹²⁰ EFAF, paras. 2–3. See also JS4, p. 5.
¹²¹ EFAF, paras. 5–6.
¹²² EFAF, para. 8.
¹²³ JS1, p. 13. See also JS5, p. 3.
¹²⁴ EFAF, para. 10. See also JS5, p. 3.
¹²⁵ EFAF, p. 5 and JS5, p. 11. See also JS1, p. 6.
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