



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
28 March 2019

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

**Initial report submitted by Jamaica under
article 35 of the Convention, due in 2010***

[Date received: 25 June 2018]

* The present document is being issued without formal editing.

GE.19-05189(E)



* 1 9 0 5 1 8 9 *

Please recycle 



Glossary of Acronyms

CCCD	Caribbean Christian Centre for the Deaf
CDA	Combined Disabilities Association
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGD	Clarendon Group for the Disabled
CISOCA	Centre for the Investigation of Sexual Offences and Child Abuse
EOJ	Electoral Office of Jamaica
ESP	Early Stimulation Programme
GOJ	Government of Jamaica
HEART/NTA	Human Employment and Resource Training/National Training Agency
ICT	Information Communication Technology
IDB	Inter-American Development Bank
IMF	International Monetary Fund
IPC	International Paralympics Committee
JAD 1709874\	Jamaica Association for the Deaf
JAID	Jamaica Association on Intellectual Disabilities
JCPD	Jamaica Council for Persons with Disabilities
JEEP	Jamaica Emergency Employment Programme
JIS	Jamaica Information Service
JLS	Jamaica Library Service
JSB	Jamaica Society for the Blind
KMA	Kingston Metropolitan Area
MLSS	Ministry of Labour and Social Security
MOE	Ministry of Education
MOU	Memorandum of Understanding
NHT	National Housing Trust
NYS	National Youth Service
OCA	Office of the Children's Advocate
OSSS	Office for Special Student Services
PATH	Programme of Advancement through Health and Education
PIOJ	Planning Institute of Jamaica
SSP	Social Protection Project
STATIN	Statistical Institute of Jamaica
UNCRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
UNFPA	United Nations Population Fund
UWI	University of the West Indies
UWICDS	University of the West Indies Centre for Disability Studies

Contents

	<i>Page</i>
References	2
Introduction	4
I. General Provisions of the Convention (Articles 1–4)	7
Article 1: Purpose	7
Article 2: Definitions	7
Article 3: General principles	8
Article 4: General obligations	12
II. Specific Convention Provisions	13
Article 5: Equality and non-discrimination	13
Article 6: Women and girls with disabilities	13
Article 7: Children with disabilities	13
Article 8: Awareness Raising	15
Article 9: Accessibility	15
Article 10: Right to life	17
Article 11: Situations of risk and humanitarian emergencies	17
Article 12: Equal recognition before the law	17
Article 13: Access to justice	18
Article 14: Liberty and security of persons	19
Article 15: Freedom from torture, cruel, inhuman or degrading treatment or punishment	20
Article 16: Freedom from exploitation, violence and abuse	21
Article 17: Protecting the integrity of the person	21
Article 18: Liberty of movement and nationality	22
Article 19: Living independently and being included in the community	22
Article 20: Personal mobility	23
Article 21: Freedom of expression and opinion and access to information	23
Article 22: Respect for privacy	24
Article 23: Respect for home and family	25
Article 24: Education	26
Article 25: Health	29
Article 26: Habilitation and rehabilitation	30
Article 27: Work and employment	31
Article 28: Adequate standard of living and social	33
Article 29: Participation in political and public life	34
Article 30: Participation in cultural life, recreation, leisure and sport	34
III. Specific Obligations under the Convention	35
Article 31: Statistics and Data	35
Article 32: International Cooperation	35
Article 33: National Implementation and Monitoring	36

Introduction

1. In March 2007, Jamaica signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD); and by so doing, became the first country to affix its signature to that document. These actions signalled the intention of Jamaica to promote, protect and ensure the fulfilment of the rights and dignity of persons with disabilities. For the purpose of this report, Jamaica reaffirms its commitment to the provisions of the CRPD and will redouble its efforts to ensure that there is adherence to the principle of progressive realization.
2. This report and its annexes represent Jamaica's First Report under Article 35 of the CRPD. The form and content of this report conform to the guidelines adopted by the Committee for the Convention on the Rights of Persons with Disabilities for drafting reports. It encompasses the period 2009 to 2017.
3. A highly consultative approach was adopted in the preparation of this report. Participants were from government and non-governmental institutions including the Jamaica Council for Persons with Disabilities (JCPD), a department within the Ministry of Labour and Social Security and the government's designated agency for disability matters, as well as the Combined Disabilities Association (CDA), the primary non-governmental cross-disability organization which advocates for the rights of persons with disabilities (PWDs) in Jamaica. A systematic approach was also adopted in order to make the content representative and reflective of the views of PWDs in Jamaica. Consequently, seventeen (17) organizations were contacted to participate in elite interviews. Of these, eleven (11) responses were received from the major stakeholders that offer services to PWDs.
4. Four focus group discussions, each comprising twelve PWDs, were conducted, covering the three counties (Cornwall, Middlesex, and Surrey). Each group was engaged on Jamaica's efforts to implement the CRPD while extensive research and review were also done on various legislation, programmes and policies that have been implemented to improve the quality of life for PWDs in Jamaica. Three major instruments in the form of questionnaires were developed for data gathering: a 120-item questionnaire to capture all of the relevant information needed for the report; another specifically for institutions that participated in the elite interviews and the final questionnaire to guide the discussions in the focus groups. The questions were tailored specifically to capture information linked to the respective provisions of the CRPD. A special session was also held with key stakeholders in the community of PWDs to ensure that the report was congruent with their experience and to ensure the authenticity of the information gathered.
5. This report includes Jamaica's efforts to implement programmes and policies for PWDs *prior to* the ratification of the CRPD. In keeping with the Draft Guidelines for preparing the reports for the Committee on the Convention on the Rights of Persons with Disabilities, we have prepared an article-by-article assessment, which reflects Jamaica's efforts to implement the provisions of the CRPD over the past ten (10) years. The report highlights some of the challenges of implementation and planned initiatives to address these challenges.

General Overview – Jamaica

6. As at 2013, Jamaica's population was estimated at 2,890,299. Of this number, 49.5 percent are males while 50.5 percent are females.¹ The official language of the country is English, although a local patois or Jamaican Creole is also widely spoken.

Overview of disabilities in Jamaica – prevalence, types etc.

7. The United Nations estimates that 10 percent of persons in the population of developing countries have at least one disability. PWDs are those who have "long-term physical, mental intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation on an equal basis with others." (UNCRPD, 2007).

¹ Statistical Institute of Jamaica http://statinja.gov.jm/demo_socialstats/population.aspx.

8. In the Jamaican context, according to the Disabilities Act, 2014, a person with a disability includes ‘a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons.’ In light of this definition, the JCPD as of September 2017 recorded a total of 32,065 applications for registration from persons with disabilities ranging from visual and hearing impairment, intellectual, physical, speech, mental illness, deafness, blindness and a combination of two or more types. Of that number, 37% have a physical disability, which is the largest recorded type of disability in Jamaica. The second largest being intellectual disability which recorded 30% of the total number of persons. It must be noted that registration with the JCPD though important is not mandatory; hence the numbers recorded do not necessarily reflect the total number of PWDs in Jamaican Organisations involved in disabilities work, including the role of various MDAs, and overview of the part played by NGOs.

Jamaica Council for Persons with Disabilities (JCPD)

9. The Jamaica Council for Persons with Disabilities (JCPD) is the mandated government agency under the Ministry of Labour and Social Security with responsibility for implementing government policies and programmes for persons with disabilities. The Council also provides vocational training for persons with disabilities and creates public awareness on issues relating to those persons. The JCPD benefits from a multi-sectoral Board appointed by the Cabinet for a two-year period.

Abilities Foundation

10. The Abilities Foundation was established in November 1991 and is a registered voluntary organization. It is the leading organization offering training opportunities in collaboration with HEART/NTA that will produce graduates who are able to access further education and training and become confident and competent individuals at the workplace and in society at large.

Combined Disabilities Association (CDA)

11. The Combined Disabilities Association is a non-profit, non-governmental organization, which was formed in 1978 and officially launched in 1981, during the international year of persons with disabilities (IYDP) its focus is advocacy. Access is one of the main components of their advocacy, access to: mobility, housing, training/education, recreation and rehabilitation, employment, and health-care.

12. **The Jamaican Association on Intellectual Disabilities (JAID)** (formerly the Jamaican Association on Mental Retardation – JAMR) is a non-governmental organization which was founded in 1956 whose main vision is to provide the kind of dynamic leadership, advocacy and influence that will facilitate the full integration and inclusion of persons with Intellectual and other Developmental Disabilities in society. In 1974 the Government of Jamaica joined the partnership and today **The Schools of Special Education**, a network of 28 Schools island wide, are jointly operated with the Ministry of Education.

13. Other non-governmental organizations include the Jamaica Society for the Blind, the Jamaica Association for the Deaf and the Clarendon Group for the Disabled. The emergence of organizations of persons with disabilities has resulted in more groups activating for their rights and in return, persons with disabilities have availed themselves to training opportunities and employment.

Overview of communication systems, such as the use of Jamaican Sign Language

14. The population of deaf Jamaicans is about 7,500. It is therefore no surprise that the deaf community is unified with a common identity and is very proud to have its own Jamaican deaf culture using the Jamaica Sign Language (JSL). The Jamaica Sign Language is derived from American Sign Language which is a new form of Jamaican Country Sign Language, or Konchri Sain (KS) and is used throughout the island in the schools, in platform and television interpreting, and among most members of Jamaica’s deaf

community.² The Jamaica Association for the Deaf (JAD) has been pursuing the move towards a bilingual and bi-cultural education for the Deaf and Hard of Hearing students in our school systems. To this end, they have initiated a phase of re-learning for teaching staff and engaging in experimental pedagogical activities. One of the major areas of focus is the advancement of the native language of the Deaf in Jamaica – Jamaica Sign Language (JSL).

15. The National Library of Jamaica has an audio-visual section that is regularly updated through donations and purchases. Sign language interpretation is provided for major national events, as well as, sign language interpreters can be made available in the courts for victims of abuse and other criminal acts. Additionally, the Jamaica Association for the Deaf (JAD) provides the interpreters as part of their Social Services Programme.

16. In 2011, the human rights provisions of Jamaica's Constitution were updated through the adoption of the Charter of Fundamental Rights and Freedoms. The Charter, which replaced Chapter 3 of the Constitution, contains broad anti-discrimination provisions. The Constitution provides a non-discrimination framework in relation to; inter alia, race and national origin. There is no evidence to suggest that in practice, there are any policies or actions by State entities or private individuals that directly or indirectly disenfranchise persons with disabilities.

17. The Government of Jamaica continue to intensify its efforts to enhance the society's awareness of persons with disabilities and their abilities, including public awareness activities during Disability Awareness week. However, there are still lingering negative perceptions within the society towards such persons. The Government will therefore concentrate its efforts towards address those perceptions. Overview of the Vision 2030 National Development Plan and, particularly, the Disabilities Sub-Sector Plan

18. Vision 2030 Jamaica is our country's first long-term National Development Plan which aims to put Jamaica in a position to achieve developed country status by 2030. This envisages a major transformation from a middle income developing country to one which affords its citizens a high quality of life and world-class standards in critical areas including education, healthcare, nutrition, basic amenities, access to environmental goods and services, civility and social order. The vision particularly seeks to create a healthier future for the vulnerable persons in the population by ensuring inclusion within society for our elderly and persons with disabilities. As part of the larger VISION, the Disability Sub Sector Plan was finalized in which disability was identified as a vulnerability falling within the remit of the Social Welfare and Vulnerable Groups Task Force. Subsequently, a "Persons with Disabilities Task Force" was formed to examine the relevant issues. The Plan recognizes the need to address the barriers that hinder persons with disabilities from achieving their full potential, while promoting personal responsibility among persons with disabilities.

Overview of Disabilities Act

19. The Disabilities Bill was passed in the Jamaica House of Representatives on July 22, 2014 and the Upper House/ Senate on October 10, 2014. The Act makes provisions to protect and ensure the full and equal enjoyment of the rights and privileges of persons with disabilities in Jamaica and establish the Jamaica Council for Persons with Disabilities.

20. Pursuant to Section 3 of the Act, the principal objects of this Act are to:

- (a) Reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability has the same fundamental rights as any other person in Jamaica;
- (b) Promote individual dignity, the freedom of choice and independence of a person with a disability;
- (c) Ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others;
- (d) Prevent or prohibit discrimination against a person with a disability; and

² David Dolman, Sign Language Studies Volume 52, Fall 1986 pp. 235–242.

(e) Promote respect for differences and acceptance of persons with disabilities as part of human diversity and humanity.

21. It is important to note also that the Act provides under section 24 and 25 respectively, that a person with a disability shall be entitled to the enjoyment of equal access, privileges, interests, benefits and treatment, whether directly or through contractual, licensing, or other arrangements and a person with a disability shall not, by reason of such disability, be subject to any form of discrimination. Any person found to be in breach of the Disabilities Act 2014 may be sanctioned through the Disabilities Rights Tribunal which this Act also establishes.

I. General Provisions of the Convention (Articles 1–4)

Article 1

Purpose

22. The purpose of the CRPD is to promote, protect and ensure the rights of persons with disabilities. Jamaica fully subscribes to this purpose. As a result, Jamaica has sought to promote and protect the rights of persons with disabilities through the Constitution of Jamaica which guarantees all citizens, inclusive of persons with disabilities protection of their rights by the State. More specifically, the Disabilities Act offers further specific protection of the rights of persons with disabilities. This enactment of this Bill took place in the Parliament in the 2014/15 legislative year. In line with the CRPD, it is “An Act to promote, protect and ensure the full and equal enjoyment by persons with disabilities, of privileges, benefits, and treatment, on an equal basis with others and to establish the Jamaica Council for Persons with Disabilities; and for connected matters.”

23. The Government, through the JCPD, along with non-governmental organizations, there are consistent efforts in the promotion of the rights of persons with disabilities.

Article 2

Definitions

24. In the context of the definition of persons with disabilities, Jamaica accepts the basic classification used in the CRPD. The precise definition maintains the medical model reflecting that utilized in the National Policy for Persons with Disability and the Disabilities Act 2014. The National Policy defines disability as: “any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.” These restrictions cover areas of sight, hearing, mental/intellectual and physical disabilities. The Disabilities Act states that “a person with a disability includes a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons.”

25. The Disabilities Act developed to protect the rights and dignity of persons with disabilities also incorporates most of these terms. Of significance is the definition of non-discrimination. The definition cited in the Disabilities Act coincides with that of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 and captures that which is stated in the CRPD. It is as follows:

Any distinction, exclusion, or restriction, on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis with others, of privileges, legal interests, rights, benefits, and treatment, in the political, economic, social, cultural, civil, religious, educational or any other field, and includes all forms of discrimination including denial of reasonable arrangements, and “discriminate” shall be construed accordingly.

Article 3 General Principles

26. Jamaica subscribes to the eight (8) fundamental principles anchoring the CRPD and is making efforts to have them incorporated into all areas of Jamaican life. With the implementation of the relevant legislation, the goal is that these principles will become a way of life in Jamaica.

27. *Respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons:*

28. This principle forms the basis for which the Government of Jamaica (GOJ), has designed and implemented policies, programmes, and laws for the development and inclusion of persons with disabilities in mainstream society. Jamaica subscribed to this principle *even before* signing and ratifying the CRPD.

29. Jamaica's National Policy for Persons with Disabilities was tabled in Parliament on September 26, 2000. It is geared towards setting guidelines and directions for the Government, for the equalization of opportunities for Persons with Disabilities, assisting the government in strengthening its capacity to address disability issues as well as assist individual agencies in improving their capacity to address disability issues within their area of functional responsibility. The Policy also provides a framework for agencies of government to cooperate in developing and implementing policies designed to provide equal opportunities for people with disabilities in all aspects of life. One of the main objectives of the policy has been to enrich the lives of persons with disabilities by promoting individuality and freedom of choice and independence by reducing the level of isolation experienced by such persons to encourage integration in all aspects of society.

30. The Policy has since assisted the government in implementing the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. In addition, it was felt that policy via legislation would foster greater self-advocacy and self-determination within the population of persons with disabilities and the Disabilities Act 2014 was passed with this vision in mind. The 2014 Act has further realized this principle by mandating that persons with disabilities be entitled to the enjoyment of equal access, privileges, interests, benefits, and treatment as well as protection from discrimination.

31. More evidently are the principal objects of the Disabilities Act, 2014 outlined in Section 3 which are to:

(a) Reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability, has the same fundamental right as any other person in Jamaica;

(b) Promote individual dignity and individual autonomy, including the freedom of choice and independence of a person with a disability;

(c) Ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others;

(d) Prevent or prohibit discrimination against a person with a disability; and

(e) Promote respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

32. The JCPD, as an agency of the MLSS has had as its vision long before the CRPD or the Act, the realization of the 'equalization of opportunities for persons with disabilities.' Based on its mandate, the Council facilitates economic empowerment grants of up to \$150,000 JMD to persons with disabilities to assist in their economic independence through the development of small businesses. The Ministry of Education (MOE) provides specialized programmes for school-age children with disabilities through the Special Education Unit with branches located in all parishes. The Ministry of Finance facilitates the provision of concessions such as income tax exemption and limited relief on import duty on aids and appliances and other materials required by persons with disabilities. Additionally,

the National Housing Trust has among its loan programmes a special Benefit Programme to assist contributors with disabilities in purchasing houses.

33. *Non-discrimination*: Persons with disabilities who are residents and citizens of Jamaica are protected from discrimination by the Jamaican Constitution. This has been further enhanced by specific legislation in the form of the Disabilities Act, which as indicated above, lays out a comprehensive non-discrimination framework. Additionally, other activities have been undertaken to reduce and address discrimination, such as the 2003–2008 Sexual and Reproductive Health Programme (SRH) through which SRH materials were developed for adolescents and training materials for the service providers to ensure non-discrimination in the professional fields of counselling, teaching and medicine including pharmacy. Sensitization sessions began and continue through the Ministry of Health of their front-line staff to ensure there is understanding of persons with disabilities, the UNCRPD and the Disabilities Act. There has also been awareness via traditional media, monthly sensitization in schools including Parent-Teachers' Associations and clinics.

34. It is noteworthy that the Charter of Fundamental Rights and Freedoms 2011, provides inter alia, the right of every Jamaican citizen, the right to seek, receive, distribute or disseminate information, opinions and ideas through any media; the right to freedom of movement, that is to say, the right (i) of every citizen of Jamaica to enter Jamaica; and (ii) of every person lawfully in Jamaica, to move around freely throughout Jamaica, to reside in any part of Jamaica and to leave Jamaica; the right to equality before the law; the right to equitable and human treatment by any public authority in the exercise of any function; the right to freedom from discrimination on the ground of being male or female or by race, place of origin, class, colour, religion and political opinions.

35. This Charter was further elaborated by specific legislation in the form of the Disabilities Act 2014. The Act appoints the JCPD to, among other things, advise the portfolio minister on matters affecting people with disabilities, conduct public education programmes, make recommendations regarding the enforcement of the Act, and other national measures that seek to prevent discrimination against persons with disabilities.

36. Moreover, it established the Disabilities Rights Tribunal which is aimed at ensuring adequate redress for acts of discrimination against Persons with Disabilities. The Act gives power to the Tribunal to summon any person to attend before the Tribunal and to give evidence or to produce any paper, book, record, or document in the possession or under the control of such person and to administer oaths to or take the affirmation of any witness appearing before them. The process for redress allows the Tribunal in respect of any complaint referred to it, make an award within sixty days after that complaint was so referred, or if it is impracticable to make the award within that period, the time for making the award may be extended. The award by the Tribunal is final and conclusive and no proceedings shall be brought in any court to impeach the validity thereof, except on the point of law. The Act further provides that if the Court is satisfied on an application by the Tribunal that any person has contravened any of the obligations or prohibition imposed in the order or award or has failed to comply with any direction of the Tribunal, then the court may order the offending person to pay to the applicant such penalty not exceeding one million dollars, in the case of an individual and five million dollars, in the case of a person other than an individual or grant an injunction restraining the offending person from carrying out the conduct in relation to the complaint, for example, discrimination.

37. The Social and Economic Inclusion of Persons with Disabilities Project commenced implementation in August 2013 and was scheduled to end in August 2017; however, an extension was approved for a year. The new end date August 2018 facilitated the full realization of project development objectives. Key achievements up to November 2017 include:

38. The Social and Economic Inclusion of Persons with Disabilities Project (SEIP). This Project sought to prevent discrimination against people with disabilities. With support from the World Bank through a Recipient Executed Trust Fund, the Social and Economic Inclusion of Persons with Disabilities Project (SEIP) is funded by the Japan Policy and Human Resources Development Fund (PHRD). The project sought to improve the social and economic inclusion of people with disabilities into the wider Jamaican society, by

extension reducing employment discrimination. Over 540 young people with disabilities were trained during the project cycle.

Component 1

- Completion of Assessment of Training Capacity/Training Needs Assessment of Persons with Disabilities
- Completion of Labour Market Study
- 351 PwDs have been enrolled in skills development training (year 2 and 3). 336 have graduated. 153 PwDs currently enrolled in interventions scheduled to end December 2017
- 258 Persons with Disabilities have received employment (work experience/training) after completing classroom skills training activities
- 66 Persons with disabilities received permanent employment after participation in skills training activities
- Contracts signed for completion of Codes of Practice – JCPD

Component 2

- Completion of Needs Assessment and Institutional Review of the Early Stimulation Programme
- Rehabilitative sessions:
- Physical Therapy: 78 children have benefitted from 619 additional hours of therapy
- Speech Therapy: 200 children assessed, 120 children received 30 continuous sessions of therapy
- Parenting Curriculum developed and has been guiding the delivery of coping skills sessions to parents of children with disabilities
- 139 Parents have received training on coping skills strategies
- 69 Children receive assistive aids, 165 aids ordered and awaiting delivery

Component 3

- Completion Rapid Assessment of Interventions under Component 1
- Completion of Terms of Reference for Evaluation of Component 1 completed and approved by Bank
- Completion of Terms of Reference for Evaluation of Component 2 completed and approved by Bank
- Procurement of MIS for Early Stimulation Programme – In process

Component 4

- Project Unit staffed by Project Coordinator and Project Officer who provides ongoing monitoring and day to day supervision of project activities
- Creation and maintenance of database of project beneficiaries across all project components

39. The number of persons with disabilities attending and graduating from tertiary institutions has increased due to the Margaret Moody Scholarship enabling them.

40. Persons with disabilities who have entered a local tertiary institution to pursue a first degree or diploma may now apply for the Margaret Moody Scholarships, offered by the Jamaica Council for Persons with Disabilities. The scholarship is open to persons who are registered with the Council and is valued at \$150,000 for each year of study along with grants of \$80,000.00, for those who did not qualify for a full scholarship. This has positively impacted the level of qualification attained by persons with disabilities for more

effective integration in the employment sector. In 2017, the JCPD from the Margaret Moody Fund paid in total Nine Hundred and Ten Thousand Dollars (\$910,000.00) for five (5) tertiary scholarships and two (2) grants. Through initiatives such as the Margaret Moody Scholarship barriers confronting PWDs are gradually being reduced and the Government will continue on this path of downward trajectory.

41. *(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity:* There is a growing acceptance of persons with disabilities as a part of the diversity of the human family. However, more public education and sensitization need to be done to ensure the demonstration of respect within their communities.

42. *(e) Equality of opportunity:* The National Policy for Persons with Disabilities expressly states the Government's position on the provision of opportunities for persons with disabilities. This National Policy has at its core, the underlying reality that in order to ensure equality of opportunity for persons with disabilities, it needs to take into account specific needs for various types of disabilities and to equip those persons with the tools needed to participate effectively in all aspects of national life. In furtherance of the Policy, the Act sought to expound the concept of equality of opportunity by mandating the right of persons with disabilities to education and training, employment, healthcare and accessible facilities, the right to housing and to enter premises, the right to participate in public office and political life and the right to access public passenger vehicles. This encapsulates the all areas of national life that a person without a disability enjoys full benefits from and participation in and by virtue of the 2014 Act; persons with disabilities will enjoy these same benefits.

43. In addition to an early review of the National Policy for Persons with Disabilities, the Government of Jamaica has indicated its commitment to the adherence to the policy of equality of opportunity through the implementation of the Disabilities Act which seeks to address communicational, infrastructural, and attitudinal barriers.

44. *(f) Accessibility.* This principle is fully accepted by the GOJ. The GOJ is making additional efforts to provide persons with disabilities with more modern technologies and information (See Article 9 for further information). It is to be noted that the Disabilities Act emphasizes the rights of persons with disabilities to be granted access to all facets of society.

45. Jamaica is making efforts to address the matter of accessibility. In this regard, a new **National Building Code** has been developed, and a **Building Act** passed in 2017. The **National Building Code** and the **Building Act** came into effect on January 15, 2019. They will now seek to contribute to a transformation of the built environment, and it is expected that more persons with disabilities will be able to participate effectively in various aspects of Jamaican life.

46. *Equality between men and women.* This is a principle that Jamaica subscribed to even before the CRPD and remains a principle which guides our approach to ensuring greater gender equality and social justice. Women and men are treated in the same manner under Jamaican law and this is applicable to persons with disabilities as well. In terms of the grants offered at the JCPD, it is noted that up to November 2017 (financial year) the JCPD facilitated financial assistance in the amount of \$8,622,222.28 provided to 468 clients i.e. 236 females, 232 males to facilitate **Assistive Aids** 38 i.e. 19 females & 19 males; **Educational Assistance** 196 i.e. 102 females & 94 males; **Medical Expenses** 69 i.e. 29 females & 40 males; **Transportation** 22 i.e. 8 female & 14 males; **Income Generating Project** 41 i.e. 27 females & 14 males; **Employment Support Staff** 6 i.e. 5 females & 1 male; **Shadow Support** provided for 11 clients i.e. 1 female & 10 males; **Funeral assistance** 8 i.e. 2 female & 6 males and **Special Needs Assistance** 6 i.e. 2 female & 4 males.

47. *Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities:* So far, efforts in this area have seen more children with disabilities remaining within the family, being exposed to education at all levels and being added to the social safety nets of government. The Government also provides financial and technical support to NGOs who serve children with

disabilities. In preserving the identity of our children, the Government has implemented a programme of ensuring registration of children at birth along with the names of their fathers on the birth certificates.

Article 4

General Obligations

48. Jamaica continues to honour its obligations under the CRPD. Before the ratification of the CRPD, Jamaica signed ratified other international conventions such as the International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (UNCRC). By virtue of our ratification of these Conventions, the GOJ is required to put in place measures to protect the social and economic well-being of all its citizens, which includes persons with disabilities. The passage of the Disabilities Act and the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 is a strong signal of the GOJ's commitment to honour its obligation under the CRPD.

49. Before the GOJ ratified the CRPD in 2007, updates were given to the community of persons with disabilities through briefs to the National Advisory Board on Persons with Disabilities, group meetings with the community of persons with disabilities and presentations to the leaders of institutions catering to the needs of persons with disabilities. Updates were also provided to the political directorate through the Parliament and the Cabinet. All these activities set the stage for the ratification of the CRPD in 2007 as most of the stakeholders were comfortable with the consultations that had taken place and the contents of the CRPD. The Laws and practices of Jamaica are consistent and mutually reinforcing. There are stipulations however; which are not fully articulated in the Disabilities Act which may need to be amended to reflect the country's commitment directly. The one for earliest consideration is the definition of persons with disabilities. The CRPD focuses on the environment as the cause of disabilities however; the Act focuses on the impairment of the individual.

50. The GOJ has adopted a systematic and strategic approach towards the development and empowerment of persons with disabilities. Through the Planning Institute of Jamaica (PIOJ), the "Vision 2030 Jamaica – National Development Plan" was developed and adopted by the Parliament in 2010. Vision 2030 is Jamaica's first long-term national development plan which aims at enabling Jamaica to achieve developed country status by 2030, i.e. affording its citizens the highest quality of life and world-class standards in some critical areas including education, healthcare, nutritional status, basic amenities, access environmental goods and services, civility and social order. The community of persons with disabilities has been given significant prominence in Vision 2030, as issues impacting them have been incorporated in various facets of the national development plan. The input and views of members of the community of persons with disabilities were solicited through extensive consultation by the PIOJ in the elaboration of the Plan.

51. One of the areas that have been identified for improvement and development in Vision 2030 is the institutional strengthening of the JCPD. This enhancement ensures that the country has a modern and efficient mechanism to deal with persons with disabilities. Currently, the GOJ through the JCPD has improved its data collection of persons with disabilities. In this regard, an electronic database was created for the Disability Registry, and this will amongst other things, collate demographic and socio-economic data on persons with disabilities. Despite being a voluntary process, registration and updating of the Registry continue daily through the Social Workers in various parishes including the Head Office. The project to improve the registration of persons with disabilities was implemented by the JCPD, jointly funded by the Inter-American Development Bank (IDB) and the GOJ at a cost of US\$572,000.

52. To better enhance its data collection capacity. the GOJ through the JCPD in 2010, signed a Memorandum of Understanding (MOU) with the University of the West Indies Centre for Disability Studies (UWICDS), to assist in conducting much-needed research in

this community. This will serve to strengthen the Government of Jamaica's efforts in addressing the challenges affecting the community of persons with disabilities.

II. Specific Convention Provisions

Article 5

Equality and non-discrimination

53. Under Jamaican law, all its citizens are subject to equal treatment and are protected against discrimination in keeping with the Jamaican constitution. Further details are provided in response to Article 3 above.

54. In its effort to provide equal opportunities for persons with disabilities and to lessen discrimination; the GOJ through the National Policy for Persons with Disabilities has been implementing several initiatives. These include, a minimum of 5% of all housing solutions (houses and service lots for constructing houses) offered to the working population by the National Housing Trust (NHT), must be reserved for purchase by persons with disabilities. This policy has been in existence for more than twenty years and is being adhered to by the institution. A minimum of 5% of all jobs in the public sector is also to be reserved for persons with disabilities as a part of government's effort to provide equal opportunities and non-discrimination for persons with disabilities. The quota of 5% employment of PWDs in Government has however, not yet been achieved, and there is currently no specific research that has been conducted to provide that data. Similar approaches have been adopted with other government programmes to ensure that persons with disabilities receive equal opportunities.

Article 6

Women and girls with disabilities

55. Jamaica has advanced the promotion and protection of the rights of women. In this context, it has signed and ratified the CEDAW. Since the 1970s, Jamaica has enacted legislation to protect the rights of women. The Maternity Leave Act was one such legislation enacted to protect and empower women. The Property Rights of Spouses Act is another legislation enacted to protect and empower women. The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 protects women and girls from all forms of discrimination. All of these laws apply to women and girls with disabilities.

56. Implementation of the Disabilities Act 2014 serve to further re-inforce the rights of women and girls with disabilities whom have expressed that although the laws exist for their protection, due to their disabilities, there are occasions when their rights are violated because they are females and vulnerable. Within the general system, women and girls can report violations to the police, through the Bureau of Gender Affairs or through the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA). With the implementation of a new National Identification System pursuant to the National Identification and Registration Act 2017 it is expected that the digital registration of all persons including persons with disabilities will address existing challenges related to obtaining statistics disaggregated by disability from these organisations. Additionally, the Disabilities Rights Tribunal will be specifically for persons with disabilities and there are speculations that more of such violations may come to the fore.

Article 7

Children with disabilities

57. Jamaica is committed to protecting the rights of children with disabilities. To this end, the country signed and ratified the UNCRC in 1991. To bring the provisions of the UNCRC into force, the Government passed the **Child Care and Protection Act in 2004**.

This legislation has been enacted to protect all children in Jamaica, inclusive of children with disabilities.

58. Notably, established in 1975, the Early Stimulation Programme (ESP) is a special intervention Programme catering to children with varying disabilities, up to six years old. Administered by the Ministry of Labour and Social Security, the Programme forms part of the Government's social safety net designed to assist the vulnerable in society ensuring children with disabilities attain their rights to early intervention and education to increase their outcomes as valuable citizens of Jamaica. The ESP serves 1,695 children through facilities in Kingston and a community-based rehabilitation Programme in Portland and has plans for further outreach in other parishes. Although the facilities are in these parishes, children from across the island are referred or taken by parents to the ESP for intervention.

59. The ESP has an extension of its programme, Stimulation Plus, located at 1A Ostend Avenue, Kingston 2, which provides a range of services through a pre-school for children with disabilities ages 3–6 years. It was opened on September 5, 2006 with a total of sixteen (16) students. Along with the center in Portland, there are currently two hundred and four (204) children on roll receiving special education. At the end of their tenure, most of them are placed in the regular or special education system. Stimulation Plus also offers parents the opportunity to go to work while their children are at school.

60. The ESP caters to children up to six years old with mild to severe physical and intellectual disabilities as well as those with visual and hearing impairments. It currently serves 1,695 children – 1,146 in the urban areas and 549 in the rural – with as many as 60 others who visit the location for weekly assessments.

61. Services offered by the ESP include identification and development assessment of preschool children, physiotherapy, home-based intervention, special early-childhood education as well as parenting workshops and counseling. Children are referred to the ESP through hospitals, health centers, schools, early childhood centers and by beneficiary parents.

62. In July 2017 at the annual graduation ceremony held on Wednesday (July 12) at the ESP Assessment Centre and Multipurpose Facility on Hanover Street, Down Town Kingston, fifty (50) children with various mental and physical disabilities were deemed to be equipped for primary-level studies, having successfully completed the Early Stimulation Programme (ESP) special intervention curriculum. Of the number, 35 will move on to special education primary-level programmes, while 15 will matriculate to the regular school system.

63. Additionally, there has been improved service delivery of special education needs to children with disabilities between ages zero to six years under the Social and Economic Inclusion of Persons with Disabilities Project, following an allocation of \$130 million in the 2017/18 Estimates of Expenditure. For the 2017/18 period, 160 children with disabilities who are beneficiaries of the Early Stimulation Programme were provided with additional rehabilitative physiotherapy sessions and psycho-educational support. Parenting workshops for parents of children with disabilities held and assistive aids were procured. A Public Education Programme for Persons with Disabilities was also undertaken.

64. Other achievements include the provision of 79 assistive aids for children with disabilities on PATH and the development of a curriculum for parenting intervention programmes. The Early Stimulation Programme engages 200 children, of which 60 are currently receiving consistent sessions; and the training of 139 parents of Children with Disabilities in speech therapy on how to cope with special needs children. The project which started in April, 2013 was slated to end in August 2017 but was extended to March 2018.

65. With the passage of the **Child Care and Protection Act**, certain fundamental principles as expressed in the UNCRC and the CRPD, namely, the best interest of the child and the right for the child to express him or herself, were incorporated. The **Child Care and Protection Act** also put in place certain institutional mechanisms to protect the rights of children. These include the establishment of Children's Registry; the Office of the Children's Advocate and the Child Development Agency. These institutions are mandated

by law to protect the rights of children including those with disabilities. Children are also provided for in the **Maintenance Act (2005)** which makes provisions for parents and guardians to support them. Children with disabilities are covered under this legislation as well.

Article 8

Awareness Raising

66. The Government of Jamaica has been making efforts to sensitize the population about various issues relating to persons with disabilities. Through the JCPD, a number of sensitization seminars have been held at schools, companies, government agencies and in several communities highlighting the talents and abilities of PWDs. Since the adoption of the National Policy for Persons with Disabilities and the ratification of the CRPD, a plethora of seminars have been held across the island with various stakeholders to make them aware of the provisions of the National Policy and the CRPD. The sensitization effort is generally heightened during Disabilities Awareness Week when a number of activities are planned to celebrate the work of persons with disabilities. During this week of celebration, events are held island wide. Some of these include church services; sporting competitions; radio and television interviews; an exhibition of items produced by persons with disabilities and an evening of excellence where persons with disabilities exhibit their talents through song, poetry, and dance. The JCPD now has its website to which persons are directed for information – www.jcpda.com.

67. The Jamaica Information Service (JIS), responsible for providing information from the Government to the public, is an important medium through which issues impacting persons with disabilities are highlighted. The JIS continues to play its role in the process of sensitizing the public of the enactment of the **Disabilities Act** to facilitate its full implementation. The Research and Publications Department of the Jamaica Information Service has improved its capacity to research, produce and update a range of publications regarding the enactment of the Disabilities Act 2014 that can inform and sensitize the public in Jamaica and overseas about the policies, programmes and institutions of the Government that seek to protect the rights of person with disabilities. Information on the Disabilities Act 2014 can be found on their website as well as through various media initiatives such as advertisements through television and print media. As part of the process, the JIS also works with the JCPD in the creation and broadcasting of public awareness information through their various media.

68. Most of the NGOs are beneficiaries of small to medium-size monthly/bi-monthly subventions from the Government. Through their work, the awareness of disabilities is improving.

Article 9

Accessibility

69. Efforts to improve the access of persons with disabilities to information are being made incrementally. A Braille and Large Print Unit was established at the Ministry of Education, Youth and Information to transcribe materials into Braille and large print for the blind and visually impaired. This service is primarily available to students who are blind and visually impaired in primary and secondary education institutions. The service is occasionally extended to individuals outside the education system. Despite the increased use of Sign Language Interpreters, challenges remain, in terms of facilitating access to information for members of the deaf and hard-of-hearing community.

70. In the Kingston Metropolitan region, which covers three parishes, concessionary bus fares with the Jamaica Urban Transit Company (JUTC) are available to registered persons with disabilities. These three parishes combine to make the largest area in terms of population density, with close to 1.3 million inhabitants or close to 50% of the national population. It is also the area with the highest concentration of persons with disabilities. The JUTC also offers among its service, types a specialized service for persons with

disabilities along specific routes where a number of institutions and agencies for persons with disabilities are located. Buses are equipped with hydraulic lifts, light and buzzer signals for the use by passengers with such needs, thus facilitating those who are unable to walk, see and hear. Persons with disabilities also have the provision of concessionary bus fare on the wheelchair accessible buses and other government-owned public transport. Other publicly operated buses also contain designated colour-coded seats for persons with disabilities and senior citizens. The crew operating these buses was also specially trained to interact effectively with those they served. Challenges remain in relation to access to transportation especially for persons with disabilities living and working in the rural areas of Jamaica. This is due to the fact that rural transportation is mostly operated by private individuals. The Disabilities Act (Part X Section 40) provides the response to the challenge through its statement that “the Minister with responsibility for public passenger vehicles shall ensure as far as is practicable, the provision of public passenger vehicles that are accessible to and usable by persons with disabilities.”

71. In relation to the built environment, the Parish Councils currently, have the capacity to enforce government policy for public facilities to be accessible for persons with disabilities. Persons who intend to construct or renovate a building must apply to the Parish Council in the parish that such construction or renovation is to take place. These Parish Councils could, therefore, use the existing Building Code to promote the installation of accessible features for the better accommodation of persons with disabilities. The Building Act was finally passed but yet to be enacted. When enacted, the law is expected to address the challenges currently facing persons with disabilities in relation to access to buildings. It has as one of its aims to, “enhance amenities in general and require the construction of buildings that provide easy access and adequate amenities for persons with disabilities in particular”. The Act goes on provide in paragraph 49 that where buildings open to the public are being constructed or altered; reasonable and adequate provision must be made for access to persons with disabilities. The Building Act will also provide for a new National Building Code.

72. Both Government and private sector organizations have been making efforts to install ramps, sensor-operated doors, lighting, and elevators equipped with Braille and speech indicators for identifying locations. All government Ministries and some other public and private organizations and companies have designated parking areas identified by the international access symbol for persons with disabilities.

73. Efforts are being made to improve access to technology for persons with disabilities. The Government established a special programme to provide empowerment grants to persons with disabilities through the JCPD. Through this programme, persons with disabilities have been able to secure funding to purchase adaptive aids that will assist them in their developmental quest. This programme is, however, limited as there are insufficient funds to deal with the demand from persons with disabilities. Approximately US\$160,000 is ear-marked for this initiative annually, of which US\$60,000 is apportioned for persons with disabilities to secure equipment and adaptive aids.

74. In 2012, the GOJ passed the **Telecommunications (Amendment) Act**. The Act established the Universal Service Fund where a percentage of the proceeds from telephone calls terminated on networks in Jamaica, is assigned to this Fund aimed at providing universal access to modern technologies for Jamaicans. The legislation makes provision for persons with disabilities to be among the major beneficiaries and non-governmental agencies catering to the needs of persons with disabilities can also apply to this Fund for Information Communication Technology (ICT) project support. This is a major positive development that will significantly benefit persons with disabilities in Jamaica.

75. The GOJ through the **E-Learning Project has secured modern equipment** and software for six special education institutions across the island. Through this initiative, these six schools have been provided with advanced technologies that cater to the needs of persons with various disabilities. Children who are deaf, blind, or have physical, mental, and intellectual disabilities, now have access to technologies that will enable them in their educational development. Approximately US\$300,000 was expended on this venture.

76. Jamaica continues to strengthen its capacity to ensure that the critical services are available to persons with disabilities. For example, there is a government policy to have all new schools meeting the accessibility standards so that children with mobility impairments can attend schools within their communities and thus remain at home with their families. An audit of the health facilities across the country has also begun so that accessibility features can be factored into any refurbishing or construction of new facilities or departments.

Article 10

Right to Life

77. The Constitution of Jamaica makes the right to life a fundamental right for all persons. This right can only be taken away if an individual commits a capital crime. Persons with disabilities also enjoy this fundamental right to life as set out in the Constitution on the same basis as other persons in the Jamaican society. There is no evidence that persons with disabilities are disproportionately and arbitrarily denied this right.

Article 11

Situations of risk and humanitarian emergencies

78. Persons with disabilities are listed among the first set of individuals to be provided with assistance in the case of any disaster. As a part of the response procedure of the office of disaster preparedness and emergency management, persons with disabilities are the first to be contacted by Parish Disaster Committees in the case of any disaster. Additionally, following the signing of a memorandum of understanding between the Office of Disaster Preparedness and Emergency Management (ODPEM), Panos Caribbean and the Combined Disabilities Association (CDA) for an early warning system ensuring quicker response to disasters such as hurricanes and flooding, persons with disabilities are now able to access information on alerts and warnings on existing broadcast systems. The installation of communication infrastructure to facilitate alerts has been done in targeted communities and a registry created of all the disabled persons in the target communities. Shelter managers and disaster responders have also been trained by the office of disaster preparedness and emergency management to deal with persons with disabilities.

Article 12

Equal recognition before the law

79. The Constitution of Jamaica provides every Jamaican with the opportunity for equal recognition before the law. Persons with disabilities also enjoy this right. It must be noted, however, that persons with certain types of disabilities are not allowed to enter into contracts; for example, those who have severe mental illness, as there are questions as to their mental capacity to act and to understand the terms and conditions of such binding agreements.

80. The Mental Health Act provides under section 29 (1) that the Supreme Court, or a Resident Magistrate may, on the application of the nearest relative or the Attorney General exercise authority over the management of the property and affairs of a patient if the Court is satisfied by evidence (medical and otherwise) on affidavit that the patient is incapable by reason of mental disorder of managing and administering his property and affairs. Pursuant to section 29 (3) the Court may, in giving effect to its power under subsection (2) give directions or make orders in respect of – the fulfilling of any of the patient’s contractual obligations; the transfer, vesting, sale, lease, rental or exchange of the patient’s property; the acquisition of property in the name of or on behalf of the patient; the continuance or instituting of any legal proceeding on behalf of the patient and inter alia, all financial affairs of the patient.

81. Notably, the **Disabilities Act** takes into consideration the need for persons with disabilities to be adequately represented before the law. Part V Section 24, states, “A person with a disability shall be entitled to the enjoyment of privileges, interests, benefits and treatment, whether directly or through contractual, licensing, or other arrangement.” Additionally, Section 25 states, “A person with a disability shall not, by reason of such disability, be subject to any form of discrimination.” Consequently, some recommendations are being advanced to enhance the institutional capacity of the judicial system thereby ensuring the protection of the rights of persons with disabilities; for example, engagement of members of the judiciary in sensitization efforts for an understanding of disability matters and how to better relate to persons with varying disabilities.

Article 13

Access to justice

82. Jamaica has made significant strides in bridging the gap between the systems that exist and the access to justice by persons with disabilities. The Disabilities Act establishes the Disability Rights Tribunal as a mechanism designed to hear and settle issues of discrimination along with other infringements of the Act.

83. Since 2004 there has been greater involvement of persons with disabilities in matters related to justice and the judicial system. In 2006, the Ministry of Justice and the Ministry of Transport & Works contracted an independent consultant to review the provisions of the **Road Traffic Act** to make amendments to address related concerns. Persons with disabilities participated in the consultations held in this regard. It was revealed that persons with different types of physical and other mobility impairments felt unjustifiably excluded from obtaining a driver’s license. In May 2012, Section 46 of the Regulations of the **Traffic Act** of 1938 was amended so that persons with disabilities who have these types of mobility impairments can obtain a driver’s license.

84. In 2008, the Ministry of Justice hosted a three-day consultation on Justice Reform. Participants included representatives from the GOJ, human rights groups, organizations of and for persons with disabilities, community and faith-based organizations, private sector groups and civil society. Recommendations were put forward from the discussions aiming at improved access to justice by persons with disabilities. The recommendations included:

- Officers of the system being trained to relate to persons with disabilities;
- Courtrooms, and police stations being physically accessible to persons with disabilities;
- The integration of disability awareness topics, including Sign Language in the Police Training curriculum;
- In-service training for court workers, correctional and other members of the justice system;
- Greater awareness by employees and officials of the court of the special needs of persons with diverse types of disabilities; and
- Increased and well-timed communication of postponement of cases, in particular for the elderly and persons with disabilities.

85. Although these recommendations have not yet been incorporated in the relevant legislation and supporting Regulations, efforts are being made to implement those that do not necessarily require a legal framework for action. For example, limited Sign Language training conducted with law enforcement officers through the Justice Training Institute. Before the amendment to Section 46 of the **Road Traffic Regulations** (June 2010) persons who were deaf were unable to obtain driver’s licenses. In preparation for this modification, the Ministry of Labour & Social Security and the Island Traffic Authority collaborated with the Jamaica Association for the Deaf to provide training to traffic police in basic Sign Language and sensitization to the needs of persons who are deaf. Persons with disabilities were consulted in discussions on amendments to the Road Traffic Act. The participation of persons with disabilities in the justice system has also been extended to the administration

of justice. Some of these individuals perform as jurors, lay magistrates, and Justices of the Peace.

86. The justice system is also making efforts to ensure their officers are equipped with the necessary skills to deal appropriately with the community of persons with disabilities. In special training of judges and magistrates in 2012, there was the inclusion of a module on disability. This module delivered by individuals with disabilities and other disability specialist focused on understanding the needs and capabilities of persons with disabilities in the courtroom. The recommendations made at this session were integrated into the final submission to the Ministry of Justice for action.

87. The practice of retiring police officers based on medical incapacity was revisited when some officers who had been so retired appealed their cases to the Commissioner of Police and the Police Services Commission citing injustice and absence of fairness in the process. Support for this process came from organizations of and for persons with disabilities through letters to, and dialogue with the relevant authorities. As a practice, these individuals were reinstated and, where necessary, redeployed to job functions/departments more accommodating of their disabilities. The Disabilities Rights Tribunal will be specifically for persons with disabilities and so this will be another avenue for redress.

88. The Justice System is being upgraded with the necessary technologies to ensure efficiency and effectiveness of its operations. There is an expansion of the use of DNA evidence over the past 10 years, a situation benefiting persons with some disabilities whose evidence are usually questioned when they are unable to express themselves clearly. DNA evidence assists in the validation of evidence in cases of Rape, carnal abuse, and other crimes to which children and adults with disabilities at times become victims.

89. Persons with severe forms of disabilities, particularly intellectual, are at times unable to represent themselves at the investigation level and even more so in a court of law. The government may provide a lawyer to represent such persons in a criminal case. These lawyers are often assisted by the relevant NGOs such as the Jamaica Association on Intellectual Disabilities (JAID), the Jamaica Association for the Deaf (JAD) or the Caribbean Christian Centre for the Deaf (CCCD) for more specialized assistance. The Government also provides financial support for Sign Language Interpreters during court hearings in criminal cases that involve a person who is deaf. These skills are not readily found within the government system, therefore the JAD or private Interpreters are contracted to provide the service. This specialist area is limited in Jamaica, and the services are needed across the island. Sometimes cases are protracted due to postponements arising from the lack of legal support and unavailability of Sign Language Interpreters.

90. Based on disability sensitization persons in law enforcement and the legal system including CISOCA have begun to request Sign Language Interpreters when they have clients who are Deaf in an effort to ensure inclusion and to provide accurate representation. There are also continued efforts in sensitizing members to all disability groups to ensure appropriate interaction on all levels.

Article 14

Liberty and security of persons

91. According to the Jamaican Constitution, all Jamaicans by birth or naturalization have fundamental human rights which include liberty and security of person. Persons with disabilities are thus entitled to these rights. The National Policy for Persons with Disabilities (2000), the signing and ratifying of the **UNCRC** (1991) and the CRPD in 2007 and the passage of the Disabilities Bill are significant demonstrations of Jamaica's commitment to ensuring the human rights of persons with disabilities, including their liberty and security. The above-mentioned documents embrace these rights as fundamental to the peaceful existence of these persons. They signify that persons with disabilities cannot be deprived of these rights arbitrarily; and where there is a deprivation of liberty, it must be within the context of those exclusions which are constitutionally allowed through the courts for a specified period.

92. Jamaica has progressed in the legal framework for Non-Discrimination of Persons with Disabilities (PWDs), especially for children. With the realization that children are among the vulnerable, especially those living with disabilities, some institutional mechanisms have been created to ensure the protection of liberty and security. The Child Development Agency is a government entity established to ensure that all children are secure, protected while being exposed to all the benefits and services for their development. To this end, the policy of the Child Development Agency is that these are best achieved if children remain in their homes. However; in instances where the safety and security of children are deemed to be compromised within the home, the agency is authorized by the courts to remove the children temporarily or permanently. This action is taken based on investigations and consideration of whether the situation in the homes is likely to improve to ensure their safety. For this purpose, some children with disabilities have been placed in government and privately-operated children's homes or foster care, supported by the government.

93. Where a person with a disability, (for example a person who has mental illness), displays behaviours assessed to pose possible danger to themselves or others, their liberty may be curtailed by placing the individual in a facility such as the Bellevue Hospital where his/her security is assured. The individual is medically treated and then returned to their home and community. To ensure a safe return and acceptance by the community, Psychiatric Social Workers interact with the family and community, preparing them for the re-entry of the family member.

94. The police force plays a critical role in ensuring the liberty and security of persons with disabilities. Members of the Jamaica Constabulary Force have received disability training through the Justice Training Institute and other NGOs in the intention of reducing misunderstandings, poor treatment and temporary deprivation of certain liberties of persons with disabilities. During the focus group discussions, members of the deaf community indicated improved interaction with the police force because of these training and awareness programmes. These sensitization programmes remain a continuous effort.

95. While the National Policy for Persons with Disabilities and the Disability Act 2014 both contain a comprehensive non-discrimination framework, there are still several families and community members whose actions at times run counter to the law.

96. Jamaica's crime-fighting strategies are continuously being upgraded to deter and capture perpetrators of violence. This is demonstrated in the acquisition of more modern and sophisticated equipment which include state-of-the-art technologies designed to create more effective policing of the country and hence provide greater security. This will also allow more persons with disabilities to obtain justice through the courts (see Article 13). There is also the Witness Protection and the Victim Support Programmes which cater to the needs of citizens requiring these services. Although there are accessible technologies, the video relay system is just being considered by the Jamaica Association for the Deaf and so the Justice system does not yet have exposure or access to its use. Until then, Sign Language interpretation is the main communication method for Deaf clients. Some officers and the judiciary are being trained but even so, it is in the use of basic sign language which would be insufficient for complete use in the Courts.

Article 15

Freedom from torture, cruel, inhuman, or degrading treatment or punishment

97. The Jamaican Constitution prohibits torture and inhumane treatment. The **Offences against the Person Act (1864)** provides penalties against those found guilty of perpetrating offenses under this Act, including acts that could be considered as torture. It indicates that medical experimentation, abortion, or sterilization should not be conducted without the individual's consent. A person with a disability is required to give informed consent and only where this is not possible, based on the severity of the individual's disability should the decision be taken by a parent/caregiver or an institution under whose care the person resides.

98. The **Corrections Act** under the **Corrections Institutions Rules** (1991) allows for medical intervention where an accused person is considered to have a mental imbalance. Upon this diagnosis, a person who is mentally ill would not be incarcerated, but, placed in a mental institution for care and protection. The Act also stipulates that inmates should not be subjected to any type of punishment unless a Medical Officer examines him and determines that he has the capacity to withstand such punishment. Furthermore, if an inmate has a disability, this would be recorded in a journal kept by the Medical Officer who examines each inmate to ascertain their health status and their ability to perform certain activities or to be confined.

Article 16

Freedom from exploitation, violence, and abuse

99. The laws of Jamaica protect everyone within its borders from exploitation, violence, and ill-treatment. Persons with disabilities have the right under the law to seek redress for any of the above actions meted out to them. The provisions of the **Domestic Violence Act (1995)** and **The Offences against the Person Act** in conjunction with institutions such as the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) may be used by aggrieved persons with disabilities to seek recourse if they believe they are exploited. CISOCA has investigated and brought to the court cases of sexual offenses and abuse against persons with disabilities and in which custodial and non-custodial sentences have been handed down to perpetrators.

100. The JCPD, in collaboration with non-governmental organizations working in the interest of persons with disabilities hosted sexual and reproductive health seminars specifically designed for members of the targeted community island-wide. The Ministry of Health, through its national HIV-AIDS prevention and treatment programmes, has also included persons with disabilities who have become more aware of their vulnerability to sexually transmitted infections and abuse. Children in special education institutions have also now been included in such sensitization programmes as previously family life programmes did not provide such information.

101. As with other countries, Jamaica has been increasing its focus on children and has, therefore, strengthened existing institutions and established new ones (see response to Article 7). The Office of the Children's Advocate (OCA), is responsible for investigating reported violations of children's rights in government or privately-owned children's homes [The CDA investigates instances of exploitation including in private dwellings, which are where much of the violence and abuse against children takes place.]

Article 17

Protecting the integrity of the person

102. The Offences against the Persons Act (Section 73) provides that there should be no medical experimentation, abortion nor sterilization without the individual's consent.

103. The Office of the Public Defender, a commission of Parliament, also represents the rights of persons with disabilities. In 2011, the Public Defender successfully addressed over 20 cases of abuse, and other negative actions against the state and civil society. Legal advice has also been provided for a number of individuals with disabilities who would have otherwise had to pay for this service.

104. The Privacy Laws of Jamaica and the Ethics of the Medical Profession protect all persons from being used for medical experimentation or other treatment or medical procedures without their informed consent or that of their parents or caregiver. Where the individual does not have the mental/intellectual capacity, decisions taken by the parents/caregivers must be in keeping with these laws. Sexual and Reproductive Health programmes, have been implemented in schools. The JCPD in collaboration with other agencies has developed training manuals for professionals and other materials for persons with disabilities to better understand their sexual and reproductive health needs. Another

approach is to place young girls who are susceptible to sexual abuse and exploitation or have had multiple unplanned pregnancies on birth control.

Article 18

Liberty of movement and nationality

105. It is compulsory under Jamaican law that every child who is born in Jamaica must be registered by a designated authority. Currently registration takes place in the hospital of birth or other specified locations in each parish and a birth registration number assigned. Since September 2010, every child who is born as at that date whether in a private or public health facility or at home is given what is classified as a “Child Health Passport”. All health-related and developmental activities are recorded in this booklet until the child is 18 years old. There are penalties for parents/caregivers who do not properly maintain the “Passport” or fail to comply with the requirements of the law by having their child suitably registered and their nationality documented.

106. Section 3 of the Jamaican Constitution makes specific provision for the right to a nationality. The effect is to grant Jamaican nationality to every child born in Jamaica, unless the parents are foreign diplomats or enemy aliens. Also, any child born outside of Jamaica is eligible for Jamaican citizenship if his mother or father or both parents are Jamaicans. No distinctions are made on the basis of disability, in law or in practice.

107. Section 13 (3) (f) of the Charter provides for freedom of movement, which is the right of every citizen of Jamaica to enter Jamaica and of every person to move around freely, to reside in any part and to leave Jamaica. The *Passport Act* governs the issuance of passports to facilitate the right to leave the country and accords every citizen of Jamaica the right to be granted a passport and not be denied or deprived thereof, except by due process of law. In practice, freedom of movement is fully respected and there is no law or policy arbitrarily prohibiting the movement of persons with disabilities.

108. Persons with disabilities are facilitated when travelling through our airport. Both major International Airports are fully physically accessible, with trained staff to meet most of the needs of PWDs. Operational procedures also exist to ensure the safe and unencumbered boarding and de-planing between ports. Assistance is offered where the person is travelling alone and needs personal assistance from the check-in counter to their destination. Each airport also provides wheelchairs to facilitate those with mobility difficulties such as the elderly and persons with physical disabilities. Persons with disabilities are also among the first passengers to board the flight and receive special attention at the immigration and customs counters. Persons with disabilities are asked to indicate their disabilities and support which will be needed when booking their flights to ensure a smooth transition, during their travel experience. Assistance is provided without any additional cost to the customer. Persons with “hidden/invisible” disabilities or deaf people may at times not be given the necessary attention by airport staff, because the latter are not made aware of their special needs.

Article 19

Living independently and being included in the community

109. PWDs in Jamaica have the right to live independently and to be included in the society. It is to be noted that the number of PWDs living independently has increased. This is mainly due to rehabilitation and training, the housing policy for persons with disabilities, employment, and self-employment programmes and improved public perception. The social safety net also provides for some of those who are unemployed thereby allowing them partial independence.

110. The right to live independently is, however, not always realized due to over-protectiveness by parents/caregivers and/or the lack of emphasis in some training institutions on independent-living skills for persons with disabilities. This becomes important as the financial resources of the country do not allow the Government to provide personal assistant care for persons with disabilities who may wish to remain in their homes

but who need this kind of support. This would be a personal cost to be borne by the individual with the disability, which is likely to be difficult given the challenging economic situation of most persons with disabilities. Limited home-care is provided by Community Health Workers who do home visits, but these are specific to ascertaining the conditions of the individual and making recommendations to resolve those issues that need attention.

111. Where the conditions of the individual dictates personal, sustained, and regular care and families are unable to manage, the individual may be consensually removed to a government-supported and managed infirmary where the State provides meals, clothes, and other amenities.

Article 20

Personal mobility

112. The provision of wheelchair accessible buses that provide transportation services for students and workers with disabilities in the Kingston Metropolitan Area (see paragraph 44 above) has facilitated greater personal mobility. Amendments were made to the **Road Traffic Act** in 2005, 2010 and 2012 to allow persons who are deaf and those with mobility impairments to obtain drivers licenses. The Ministry of Finance & the Public Service also permits concessions on General Consumption Tax for the purchase of motor vehicles for the personal use of persons with disabilities.

113. The National Housing Trust adjusts the houses they construct to facilitate persons with mobility impairments. Other housing developments are also being built with accessible features, on the lower levels. These include wider doorways, non-skid tiles, proper lighting, wide corridors, and elevators with adequate space to accommodate easy manipulation of wheelchairs and speech and directional signs that are tactile. These activities and the level of compliance are evident in the Kingston metropolitan areas, and to a lesser extent in shopping centers in the major towns of the parishes. Awareness, practice, and compliance in the rural areas are minimal, however.

114. The JCPD, through non-governmental sources, occasionally acquires wheelchairs which are provided free or at a very minimal cost to persons with specific disabilities. The Food for the Poor, a non-profit organization, and some service clubs also provide mobility aids for persons with mobility impairments. Mobility aids are imported on a non-taxable basis. Availability and affordability of mobility aids and appliances remain a challenge, nonetheless, as there are a limited number of suppliers of mobility aids in Jamaica. Mobility aids are mostly imported and are, therefore, costly despite their non-taxable status. Similarly, assistive technologies are not manufactured in Jamaica. While it is not difficult to source these technologies, the costs are inhibitive for most persons with disabilities, especially those who are unemployed.

115. Rehabilitation services are provided at private institutions such as the Sir John Golding Rehabilitation Centre and Community-Based Rehabilitation Jamaica along with the public and private hospitals and clinics that offer physiotherapy services. However, there are inadequate specialists, particularly needed to facilitate those individuals who are not attached to any of these organizations and therefore not knowledgeable of the services offered; for example, those persons who have become blind in adulthood. These services would normally be provided by the Jamaica Society for the Blind (JSB). However, the organization has had to reduce the provision of this service due to the lack of financial resources.

Article 21

Freedom of expression and opinion and access to information

116. The **Access to Information Act** affords all citizens the right to view government documents and to request and obtain information, except where the information is of a sensitive nature and highly confidential. All government ministries, departments, statutory bodies, and executive agencies have a website where information is posted. This information from government institutions is therefore accessible via the Internet. As part of

the Vision 2030 Jamaica – National Development Plan, access to public information in alternative formats which are amenable to persons with disabilities is strongly promoted. One example of this was the reproduction and distribution of the National Development Plan by the Ministry of Education’s Braille and Large Print Service to libraries, schools and NGOs which serve persons who are blind.

117. Since 2012 persons who are deaf and hard-of-hearing were privy to the election campaign activities and speeches as each political party engaged the services of Sign Language Interpreters at their main mass meetings.

118. Many private sector organizations including some of the print media also provide information through advertisements, radio interviews and sponsored radio and television programmes. Persons who are blind or visually impaired with Internet access can read main sections of the newspapers via the Internet using speech software. While these formats are accessible to persons who are blind, persons who are deaf face greater challenges as there is neither sign language interpretation nor Closed Captioning for television advertisements.

119. The GOJ has accepted Jamaican Sign Language as the language of the deaf, and this is manifested in their approach by providing support for the use of this language in the courts and on special occasions.

120. Citizens of Jamaica enjoy the freedom of expression under the Constitution. Along with a multiplicity of radio programmes which encourage telephone discussions on a variety of topics with any individual, persons have other channels through the formal and informal media to express themselves. Social media is utilized daily to share views on local, regional, and international issues. Persons with disabilities also enjoy this freedom. Persons who are deaf and hard-of-hearing at times are unable to effectively express themselves through these media due to communication barriers. Information technologies have, however, provided them with more opportunities to participate, for example, through video and text messaging.

121. Through the initiative of Ministry of Technology, the placement of computers including those with speech software in the public libraries across the country also facilitates individuals with disabilities who have no personal computer or internet access to utilize online services. Computers are equipped with Wi-Fi service also, allowing persons to conduct a wide array of business transactions, as well access information on services provided by the Government, among other things.

Article 22

Respect for privacy

122. Chapter III, Article 13 (j) provides for the right to every person in Jamaica to his or her privacy. The Article guarantees:

The right of everyone to

- (i) Protection from search of the person and property;
- (ii) Respect for and protection of private and family life, and privacy of the home; and
- (iii) Protection of privacy of other property and of communication;

123. In addition to the Constitution, laws, e.g. The Charter of Fundamental Rights and Freedoms, conventions such as the Rights of the Child and the Rights of Persons with Disabilities to which Jamaica subscribes, and codes of conduct of medical professionals and paraprofessionals articulate the right to privacy of all citizens of the country, except where the courts proscribe this privacy. Like the rest of the population, where there are deviations or a breach of these Codes, persons with disabilities can seek redress through the courts. The GOJ has received no formal reports to indicate that these privacy codes have been breached in relation to persons with disabilities.

Article 23

Respect for home and family

124. Under the Constitution and the National Disability Policy, persons with disabilities have the right to enter relationships, marry a partner of his/her choice, establish a family, and decide on the number of children they will procreate. The law allows for remedies if they are deprived of such rights.

125. The JCPD and the CDA in collaboration with non-governmental organizations have conducted sexual and reproductive health and parenting training workshops for persons with disabilities. Sensitization of health workers and employees in professions allied to medicine have also facilitated an enhanced understanding of disabilities, how to be more sensitive to the special needs of persons with disabilities and to encourage recognition of the fact that such persons are entitled to the same rights as other persons in society. Public awareness programmes via the electronic media have also assisted in reducing discriminatory comments which often cause persons with disabilities to refrain from seeking medical advice and birth control products.

126. The policy of the government which is implemented by the Child Development Agency is to, as much as possible, have children with disabilities remain in the home with their families. Where there is evidence that they are unable to do so based on abuse or other reasons, and no other family member or member of the community can accommodate the child then the child is removed to a government facility (children's home) for the child to be cared for by the State. If this is not possible the child may also be placed in foster care and the foster parents are provided with support from the government until he/she returns to his/her family or is adopted by the foster parents.

127. While the government has no specific structured child-rearing support programme for children with disabilities, it assists poor parents with the education and healthcare of their children through the PATH Programme. Parents on this programme or adults with or without disabilities can acquire skills through the Steps to Work Programme or through income-generation activities. This support from government is geared towards enabling them to take care of their children in a more sustainable manner.

128. The JCPD administers the Empowerment Grant Programme where persons with disabilities and parents of children with disabilities can secure grants for income generation to assist their families. More than 2000 families benefited from the Empowerment Grant programme between the commencement in 2008 and 2017.

129. The **Maintenance Act** (2005) provides for persons with disabilities from childhood to old age. It states that where a person has a disability and cannot care for himself, then family members (a child, parent, or grandparent) is responsible for the individual's care. Article 8 provides that: (1) Subject to subsection (2), every parent has an obligation, to the extent that the parent is capable of doing so, to maintain the parent's unmarried child who:

- (a) Is a minor; or
- (b) Is in need of such maintenance, by reason of physical or mental infirmity or disability.

130. Where a parent is incapable of maintaining a child due to, inter alia, mental infirmity or disability, grandparents, where they are able to have an obligation to maintain said child/children under the Act.

131. Article 10 requires a person to maintain his or her parents or grandparents, within their capabilities, where the parents or grandparents are in need of such maintenance by reason of age, physical or mental infirmity or disability.

132. The right of persons with disabilities to have children is also generally respected and as noted in paragraphs 70 and 74, there is no programme of forced sterilization targeting this group.

133. For the 2017/18 period, under the Early Stimulation Programme parenting workshops was delivered to parents of children with disabilities. Under the programme,

parents of children with disabilities have been receiving training on how to cope with special needs children.

134. In March 2017 scores of parents of children with special needs were provided with information during a seminar put on by the Ministry of Education's Region One Office. More than 160 parents and some 230 students and teachers attended the seminar which was successful in fulfilling the ministry's mandate of providing equitable educational opportunities for all. The seminar was part of a Parent Information Fair, organized by the Ministry of Education Region One in partnership with various stakeholders including the National Parent Support Commission, the Jamaica Council for Persons with Disabilities, the HEART Trust/NTA, the Nathan Ebanks Foundation, the Jamaica Association for Children with Learning Disabilities, the Office of the Children's Registry and Children First. The seminar included various presentations on how to ensure that children with disabilities enjoy their rights on an equal basis with other children.

Article 24

Education

135. The **Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011** guarantees the right of every child who is a citizen of Jamaica, to publicly funded tuition in a public educational institution at the pre-primary and primary levels. The **Child Care and Protection Act** enhances the Constitutional provisions by mandating parents or guardians to take the necessary steps to ensure that their children are enrolled in and attend school. Both pieces of legislation offer protection to children with disabilities. Simultaneously, the **Education Act (1965)** subscribes to similar objectives while prescribing sanctions for parents who do not adhere to the law. Penalties are inclusive of both fines and/or imprisonment.

136. In 1978 the government adopted responsibility for the operating costs of the special education institutions and since that time more children with disabilities have been able to gain access to special education programmes. Children with disabilities are served by approximately 44 independent and government-run special education facilities at the pre-school, primary and secondary levels across the island. These organizations receive financial and technical support from the government through the Ministry of Labour and Social Security (MLSS) and the Ministry of Education, Youth, and Information. The Jamaica Association for the Deaf is one such non-governmental organization that receives financial support from the Government and which serves a dual purpose of educating the deaf and hard of hearing while preserving their linguistic identity.

137. Jamaica's ratification of the CRPD solidified the obligation to ensure that persons with disabilities are not excluded from education because of their disability. The Government recognizes the need to ensure that children with disabilities are not alienated by being educated in segregated schools but are entitled to the same education and curriculum as other children. Although committed to making education a reality for all, financial constraints and inadequate professionals for the provision of Special Education are impacting the ability to achieve this goal.

138. Efforts are being made to ensure greater inclusion of children with disabilities in all government-funded primary and secondary schools. However, there are challenges. Much of the work to be done relates to accessibility and access to technological tools to enhance the learning experience, as well as a more in-depth exposure of educators to special education techniques in their training. Additionally, greater emphasis and provision needs to be made for children with mild to moderate levels of hearing and intellectual disabilities. The Ministry of Education, Youth, and Information and the JCPD have been providing Shadows or Personal Assistants to assist students with moderate to severe disabilities attending regular or Special Education Schools.

139. Children with disabilities have access to early identification, intervention, and education services. The ESP identifies and creates programmes to stimulate and enhance the development of children with various disabilities. The programme is also designed to offer special early childhood education for children aged up to six years old, tailored for the

holistic development of each student, gradually moving from individual sessions to group exercises. This also facilitates developmental assessment to aid in the school placement for the child once they have left the ESP.

140. Community-Based Rehabilitation programmes also facilitate the development of children with disabilities for transition into the Early Childhood Education system. The Child Find programme has been used to identify students with special needs and provide early intervention through the Education System Transformation Project. Through this project, ten percent of the children assessed were deemed to need special learning interventions. In 2011 the Special Education Unit in the MOE in collaboration with seven Special Education Units in public institutions continued its annual literacy intervention programme involving children with special needs. A post-test administered in May annually commencing with a pre-test in literacy at the beginning of the school year, to determine the literacy gains of each child during the assessment period. The Child Find programme completed in 2014 identified 7,628 children with special needs for the provision of intervention through the Education System Transformation Project. Through this project, thirty-four percent of the children assessed were deemed to need special learning interventions.

141. Some identification of children with disabilities is achieved at the primary level during education competency evaluations. However, more professionals are needed to assist in the assessment process.

142. The services offered by the ESP are limited to 4 parishes. While government-supported NGOs such as Community-Based Rehabilitation Jamaica (formerly 3Ds and Rural Services for Children with Disabilities) offer similar services to that of the ESP, they do not have the financial and technical capacity to operate island wide. Children with multiple and profound disabilities are therefore underserved in the education system as the ESP cannot serve all the children island-wide. In recognition of the challenges, efforts are being made to address services for students with multiple disabilities by the Ministry of Education providing greater financial and technical support to these NGOs providing services for children with multiple disabilities. Sam Sharpe Teachers' College in St James is currently training teachers in this area to ensure availability of the necessary technical expertise.

143. At the primary and secondary levels, expansion of the technologies, methods and approaches used in the teaching process are utilized to enhance the learning experience for students with disabilities. Collaboration between the Ministry of Education and the University of the West Indies saw sixteen primary schools receiving special software and computers to improve technological access for some students with disabilities. Enrichment and Resource Room Services is an initiative between the Ministry of Education and civil society to improve the outcomes for students at the primary level. Implementation of the special software in 56 schools across the island saw benefits to 1200 students, including those with intellectual disabilities. Some of the secondary schools which accommodate children with disabilities have also been provided with e-learning laboratories. With the availability of technology, mainstreaming to secondary schools through the GSAT examinations has become easier. GSAT is the final exam taken by students at the primary level to facilitate placement in a high school.

144. Vocational training available through the Special Education Network and the Abilities Foundation are both part of the Human Employment and Resource Training (HEART) Trust/National Training Agency (NTA). The Foundation works in collaboration with the Ministry of Labour, Social Security, and the HEART Trust/National Training Agency, providing quality vocational education to persons with disabilities to enable them to function as creative and productive citizens. The Foundation caters to all types of disabilities. Training includes areas such as computer applications, furniture making, horticulture and landscaping, design and décor, garment construction. The Foundation caters to approximately 80 students. Students completing the Courses are certified by the HEART Trust NTA.

145. A limited number of persons with disabilities are partially integrated into the main HEART/NTA programmes island-wide due to accessibility challenges. Pervading

communication and infrastructural barriers prevent the full participation of these individuals in this national training institution.

146. The University of the West Indies (UWI), Mona Campus offers special services to students with disabilities through the operation of the Office for Special Student Services (OSSS). While students are provided with the same curriculum as their counterparts in the same teaching/learning environments, special examination accommodation is afforded based on the type and severity of the disability. The OSSS and the main library are also technologically equipped to meet the reading, writing, research, and other needs of these students. These capacities are further strengthened by a cadre of volunteers from all faculties of the campus and other tertiary institutions. The UWI and the University of Technology campuses are also partially accessible to persons with disabilities – in terms of physical access, availability of all the necessary technology, and availability of special education facilitators – with other universities developing programmes to cater to students with special needs.

147. The Office of Special Student Services at the UWI, Mona Campus was established specifically to address the needs of students with disabilities. All new buildings are accessible to persons who are physically challenged and since 2003; the Library has been operating the Visually Impaired Students Technology Assisted Services Unit (VISTAS), which provides visually impaired students with a facility that allows them to compete effectively with the sighted world. However, it must be noted that there are other students with other disabilities who may need other services to enable their complete access to the university.

148. The data from the Child Find for the academic year 2014/15 indicates that there are 3,213 students with disabilities in the general school system at the primary level while there were 71 in secondary education. With no other research since 2014 to determine how many children are enrolled in regular schools, for the academic year 2016/2017, it is noted that 4,188 students with disabilities were enrolled in special education schools. The GOJ recognizes the significant differences in educating children with disabilities and as such will ensure that Special Education training continues to be a part of the curricula of Teachers' Colleges and Universities. All teachers must complete training on 'exceptionalities' during their certification. In 2017, over 2000 teachers, school principals from 600 Primary and 150 Secondary schools were sensitized and trained on issues dealing with "exceptionalities". Sensitization sessions have also been conducted with Education Officers in preparation for the Alternative Pathways to Secondary Education programme. An additional 16 support staff members were trained to assist students who were granted special education accommodation. Teachers are also provided with in-service training for working with students with disabilities at their school of employment, thus providing exposure to augmentative and alternative communication techniques. In addition, The Mico University and Sam Sharpe Teachers' College offer special education programmes for those who wish to specialize in that field. At the post-graduate level courses are offered through the University of the West Indies, the Mico University College, and the Nova South Eastern University offshore campus.

149. Education for students in the least restrictive environment is being promoted as the way forward in government schools which is evident in the current drafting of a Special Education Policy by the Ministry of Education, Youth and Information. Least restrictive environment refers to an educational setting or programme which allows the exceptional learner to develop and learn in an environment best suited to his/her ability, in the same setting as peers and without discrimination. This allows them access to educational opportunities and experiences to continue their development without discrimination. There are efforts towards inclusion through the provision of resource rooms and itinerant teachers. The Ministry has also trained teachers from 29 primary schools as a part of the effort to realize this policy.

150. The Ministry of Education, Youth and Information provides Braille and Large Print service to ensure that educational material is available to students who are blind and visually impaired in special education and mainstream schools. To facilitate this programme, two curricula are utilized by the Ministry of Education Revised Primary

Curriculum and a competency-based curriculum specifically geared toward the needs of children with Intellectual Disabilities.

151. Since the signing and ratification of the CRPD by Jamaica, the GOJ has intensified efforts towards the provision of critical services to persons with disabilities. There is, for example, a government policy to have all new schools meeting the accessibility standards so that children with mobility impairments can attend schools within their communities thus facilitating them remaining at home while accessing secondary education. Along with the Building Act (2017), the Ministry of Education Planning & Design Standards for School Buildings and General Facilities, (2013), states that “Ramps must be installed for persons using wheelchairs to access the ground floor and lifts to access the other floors. The slope of the ramp should be 1:13 or 7.7%. The corridors should be fitted with appropriate rails. Corridors should be a minimum of 1.525m. There are currently 127 out of the 764 Primary Schools and 35 of the 167 Secondary schools with ramp access.

152. In 2017 a total of 241 candidates with disabilities who sat the Grade Six Achievement Test received examination accommodations, this figure decreased from the 292 candidates with special needs who sat the national examinations and granted examination accommodations in 2014. Despite the decreased figure, this accommodation allows for greater equity and access with the provision extended time, readers, scribes, prompters, preferential seating, and separate examination centres, depending on the student’s individual needs. These examinations provide the necessary qualifications to determine matriculation into higher education institutions as well as serve as a basis for which persons have an opportunity in the job market.

153. Up to December 2015 under the Economic and Social Inclusion project, in round one of the skills training interventions 200 persons with disabilities (PwDs) were trained; 123 received employment for six months and 34 received permanent employment; the second round of skills training intervention in October 2016 provided training for 190 persons with disabilities on PATH.

154. One of the major complaints from persons with disabilities is the limited opportunity for them to access secondary and post-secondary educational facilities which are equipped to cater to their needs. In 2010 through a partnership between the CDA and the Jamaica National Commission for UNESCO, a project was undertaken that prepared 37 adults with disabilities for the Caribbean Secondary Education Council Examinations and had an almost 92% success rate. Since that time, there has been a discontinuation of the programme because of a lack of funding. However, the Lister Mair-Gilby High School for the Deaf provides a continuing education programme for CSEC students.

Article 25

Health

155. The Government of Jamaica recognizes the right of persons with disabilities to have access to quality healthcare services. Presently, all public health facilities exercise a no user fee policy for everyone. The potential advantages of implementing an effective waiver system determined on the person’s ability to pay are being reviewed.

156. The non-discrimination provisions of the Jamaican Constitution are also relevant to healthcare. Persons with disabilities have access to these health services on the same basis as other persons, including sexual and reproductive health. In a collaborative effort between the JCPD and several NGOs providing services for persons with disabilities, an extensive Sexual and Reproductive Health programme was implemented. The project saw sexual and reproductive services being provided to women with disabilities across the island. The project also established a special window at the JCPD to provide various contraceptives for women and men with disabilities. Support for this programme came from funding by the GOJ and the United Nations Population Fund (UNFPA). This programme has since morphed with services provided in regular pharmacies as sensitization sessions increased and had continued for medical practitioners and pharmacists enabling them to provide more client-friendly services.

157. Persons who are deaf however, still do not believe the system is equipped to deal adequately with their concerns. The privacy of these individuals is not guaranteed as they must rely on their caregivers as interpreter to communicate their health concerns to the health provider.

158. The Ministry of Health provides medical rehabilitation services through the Sir John Golding Rehabilitation Centre free of cost. The Centre offers long-term rehabilitation services with eleven other public hospitals providing acute care. General health care services are also available to persons with disabilities at clinics in each parish.

159. Training on the provision of services to persons with disabilities is provided sporadically to primary care physicians, nurses, physician assistants, and rural health workers through NGOs. In addition to public awareness campaigns, some public health nurses and midwives are also currently being trained in collaboration with the National Family Planning Board to ensure that disabilities and the rights of persons with disabilities are understood. The training seeks to ensure that communication with persons with disabilities can be better facilitated and sexual and reproductive health issues are adequately addressed. This project also makes provision for contraceptive counselling for adolescents with disabilities.

160. The **National Insurance Act** makes special provisions for insured persons injured or acquiring a disability during insured employment. The Act allows for contributors to the National Insurance Scheme to receive support following an accident on the job that contributes to disability. Life insurance is available to persons with disabilities from the private sector.

161. Efforts are being made to ensure physical access to health facilities in order to improve access to healthcare by persons with disabilities. An audit of the health facilities across the country was undertaken to ensure accessibility features are factored into any refurbishing or construction of new facilities or departments.

162. The JCPD assists registered PWDs, with assistive aids/devices to support their overall development. The JCPD allocates over six million dollars annually to assist persons with disabilities in facilitating the acquisition of assistive aids such as prosthesis, hearing aids, canes, wheelchairs and crutches or for therapeutic services for example, speech or occupational therapy. This grant assists in the relief of the psycho-social pressures of living with a disability while providing the necessary intervention for the full development of the children. For the 2016/2017 period a total of seventy-eight (78) persons were provided with assistive aid grants, forty-seven (47) males and thirty-one (31) females in the sum of Twelve Million Five Hundred and Forty-One Thousand Six Hundred and Eighty-Three Dollars and Ten Cents (JMD\$12,541,683.10). Assistance was sought to obtain for example, hearing aids for the Deaf and Hard of Hearing, wheelchairs for the mobility impaired as well as laptops and other assistive technology to provide a better quality of life and equal opportunities for persons with disabilities.

Article 26

Habilitation and rehabilitation

163. In realization of the right of persons with disabilities to develop and maintain maximum independence and full inclusion through a comprehensive rehabilitation programme, the Government of Jamaica is committed to expanding and improving the currently available habilitation. Through the JCPD, the ESP, and the government's funding of NGOs that support persons with disabilities these goals are being achieved and will be expanded. The rights of persons with disabilities are respected as they are not forced to participate in these programmes. Currently, students with severe disabilities are provided with Personal Assistants (PAs) to ensure they can maximize their educational experience. These PAs are paid for through the partnership and assistance of the JCPD and the Ministry of Education.

164. Important to the habilitation and rehabilitation process is the use of technology. Assistive mobility devices are available at the Sir John Golding Rehabilitation Centre on a

subsidized basis. The JCPD also provides financial assistance through its Assistive Aid Grants to purchase these aids. Assistive devices for Blind/visually impaired and deaf and hard-of-hearing are also available at NGOs such as Jamaica Society for the Blind and Jamaica Association for the Deaf. Despite the availability of these devices, most persons with disabilities have difficulties in purchasing them due to the cost, and many rely on donations or government support to acquire them. Through the Early Stimulation Programme habilitation services are provided to children 0–6 years old free of cost as this is one of the paid services of Government. The JCPD through one of its workshops, the Assessment & Guidance Centre clients gain daily living and self-care skills. Those who had limited social skills leave the programme with the capacity to move onto further training, be employed on the open market, or engage in self-employment through entrepreneurial ventures.

165. The **Mental Health Act** provides for the rehabilitative health of persons with disabilities by imposing a duty on law enforcement to detain and dispatch to a mental facility anyone deemed mentally ill, so they may receive the necessary treatment and care. This **Mental Health Act** 1999 charges the government with the responsibility of providing mental health services in each health region which should afford rehabilitative services for persons after their discharge from a psychiatric facility; supervised home care and support for persons with mental disorders; and services for the promotion of mental health. It is evident though, that from a legislative perspective, the Jamaican government is providing protection for the rights of persons with mental illness to rehabilitative services.

Article 27

Work and employment

166. The GOJ recognizes the right of persons with disabilities to have legitimate access to the labour market. Policies have been implemented in recognition of this right as well as sensitization for employers to guide and improve workplace interactions. The National Policy for Persons with Disabilities states that a minimum of 5% of jobs in the public sector should be reserved for persons with disabilities provided they possess the required qualifications. Many persons with disabilities are however unable to fill positions in the public sector due in part to them lacking the requisite qualifications. This long standing issue is currently being addressed through the mandate of the Ministry of Education through the K-13 Strategy ensuring access to early stimulation, through brain builder centres along with additional pathways at the secondary level to ensure students including those with disabilities get an opportunity to develop occupational skills. The Government also makes payment for exit examinations to ensure vulnerable groups are not at a disadvantage. Additionally, the Disabilities Act addresses the right to education for persons with disabilities at all levels and its attendant Code of Practice for Education & Training will provide the practical guidance for full inclusion in education and training which then facilitates the process towards employment.

167. The **Employment (Termination and Redundancy Payments) Act** of 1974 requires that employees acquiring a disability on the job be made redundant and not dismissed. The Act provides that the disability, injury or disease acquired must be due to the nature of the job and renders the employee unable to work. Special compensation benefits in these instances, depending on the length of employment. However, there are no measures in place to facilitate re-employment after redundancy. The position now being considered is one in which retraining and/or redeployment becomes the first option before redundancy is considered. The National Policy for Persons with Disabilities and the Disabilities Act support this position.

168. Persons with disabilities are afforded the same rights as other citizens under the Jamaican Constitution and the Charter of Fundamental Rights and Freedoms in respect of discrimination in the workplace. Provisions have also been made in the Labour Laws to afford employment and workplace protection for persons with disabilities.

169. In the private sector, barriers such as inaccessible workplaces further prevent gainful employment. In some cases, despite the vocational training and skills possessed by persons

with disabilities, discrimination persists. Until the establishment of the Disabilities Rights Tribunal, public awareness and sensitization with employers are the means utilized in the encouragement of their employment of PWDs. In 2016, an employment promotional video was created to further the drive.

170. The HEART Trust/NTA develops, and monitors the training and employment processes for its trainees, which include persons with disabilities. It assists in job placement exercises in Office Administration/Data Operations, Housekeeping, Furniture Making, Garment Construction and Horticulture (Basic Gardening). Furthermore, the Ministry of Labour and Social Security provides a Rehabilitation Grant that enables persons to create and expand their economic base and reduce dependence on the state. These grants support the start-up and support of micro-enterprises such as haberdasheries, vending, barbering and livestock rearing.

171. Short-term employment programmes created by the Government, for persons at the lower socio-economic level, introduced in 2012, provides a certain percentage of jobs for individuals with disabilities. The programmes cater mainly for persons between the ages of 18 and 34.

172. The **National Youth Service Act** (1999) offer opportunities for persons between the ages of 17 years and 24 years who satisfy the prescribed qualifications could be selected for training and or employment. This programme also assists with support for tuition fees at the tertiary level of the education system.

173. The JCPD administers the Empowerment Grant Programme which facilitates persons with disabilities and parents of children with disabilities with securing grants for income generation. The JCPD, through the MLSS distributes economic empowerment grants of up to \$150,000 JMD to persons with disabilities to assist with the development of small businesses. The Programme started in May 2008 with over two thousand and fifty beneficiaries to date. Between 2014 and 2016 a total of 450 clients benefited from the programme. For the period 2013/2014 one hundred and twelve (112) persons with disabilities were approved for the grant totaling Fifteen Million Five Hundred and Eighty-Four Thousand Six Dollars (\$15,584,006.00). In the 2015/2016 fiscal year a total of one hundred and ninety-two (192) applications were approved for economic empowerment grants to the sum of Eighteen Million Four Hundred and Fifty-Three Thousand Five Hundred and Fourteen Dollars and Fifty-Two Cents (\$18,453,514.52). Additionally, for the financial period 2016/2017 a total of sixty-eight (68) clients was provided with economic empowerment grants totaling Five Million Three Hundred and Forty-Nine Thousand and Twenty-One Dollars and Thirteen Cents (\$5,349,021.13). This grant provides a social safety net for persons with disabilities while enhancing the prospects for increased independence and social inclusion.

174. The economic empowerment grants enable persons to create and expand their economic base and reduce dependence on the state through startup and assistance of micro-enterprises such as haberdasheries, vending, barbering, livestock rearing and farming. The JCPD also provides clients with guidance on maintaining the businesses through Business Management Workshops. In 2016, three business management workshops were held and thirty clients were trained from five parishes – Kingston, Hanover, Clarendon, Westmoreland and Manchester.

175. The JCPD further facilitates job placement for their members by liaising with various organizations. This placement is a broad selective service specifically engaged in finding employment for qualified persons with disabilities. Between the periods 2014–2017 approximately 800 persons were placed in temporary and permanent employment in the public and private sectors. Jobs secured range from secretarial, accounting, landscaping, and skilled labor and janitorial. This has positively impacted their lives for more effective integration in the employment sector.

Article 28

Adequate standard of living and social protection

176. Jamaica is committed to ensuring that the quality of life enjoyed by citizens is at an acceptable standard and has committed its financial, technical, and human resources to achieve development status by the year 2030. The National Development Plan was designed to guide this process which requires the implementation of several policies and programmes. Social protection for Jamaicans is a critical component.

177. The government has programmes aimed at improving the living conditions of persons with disabilities, recognizing their increased vulnerability. These include the provision of opportunities for persons with disabilities to gain assistance through the PATH Programme – a conditional cash transfer programme that delivers amongst other things, cash benefits to the poorest Jamaicans. Persons with disabilities constitute one of the five categories of beneficiaries.

178. The MLSS, through the National Insurance Scheme, offers an Invalidation Benefit for contributors (women under sixty-three years and men under sixty-five years) who were previously employed but have become incapable of working due to physical or mental illness. As part of the Social Safety Net provisions compassionate and emergency grants have been allocated to assist victims of fires, hurricanes, and robberies as well as to provide persons with medical procedures. Likewise, Education and Social Intervention Grants provides assistance to families in inner-city communities unable to purchase books, uniforms or pay auxiliary fees to enable their education. All these Social programmes includes PWDs, (once assessed to be in need) to receive benefits. Rehabilitation grants are also available (see response to Article 27 above).

179. Additional benefits are provided under the **Income Tax Act** income derived from disability pensions and war gratuities are exempt from income tax as well as the income of a person with a disabling permanent physical condition. The JCPD also facilitates the application process for this benefit, along with referral services to other agencies that cater to the needs of persons with disabilities, offering training opportunities, education, and rehabilitation services.

180. The National Housing Trust (NHT) provides special housing opportunities to persons with disabilities. The Housing Trust provides a special loan option within its Benefits Programme which gives assistance to contributors with disabilities wishing to purchase homes. For the 2017/2018 financial year (April 2017–March 2018), the Government of Jamaica increased NHT benefits to persons with disabilities. Currently, NHT contributors certified by the Jamaica Council for Persons with Disabilities as having disabilities, repay their loans at a rate of interest of two-percentage points below that of the income group in which they fall. As of July 1, individuals earning up to JMD \$30,000.00 weekly (approximately US\$234.00) will pay no interest. The NHT will also provide a grant of JMD\$150,000 (approximately USD \$1,170.00) to NHT mortgagors with disabilities or to mortgagors who reside with and care for a family member who is disabled, to retrofit or upgrade the dwellings for accessibility.

181. The Government expands the opportunities for social protection for persons with disabilities while enhancing the prospects for increased independence and social inclusion. There is a National Social Protection Strategy which considers provision for PWDs. Education and training are keys towards social transformation of any population and so access to education and training are critical for the transformation of the lives of PWDs.

182. Adults with disabilities living in deplorable situations with no personal support are placed in infirmaries until their situation improves. The government operates these homes and, though there may be some restrictions in keeping with the rules of these homes, the individual's liberty is maintained to a large extent. These infirmaries are within the remit of the Parish Councils (Local Authorities).

Article 29

Participation in political and public life

183. The Jamaican Constitution affirms the rights of all Jamaicans to participate in an election process that is free and fair. The criterion for an elector is through registration with the Electoral Office of Jamaica (EOJ). Persons are excluded only based on a legal incapacity, namely being certified as insane or otherwise adjudged to be of unsound mind, being convicted or under a suspended sentence. The **Mental Health Act**, revised in 2011, is used to guide the process of determining the mental capacity of an individual. The Constitution does not allow for persons certified insane or otherwise adjudged to be of unsound mind the opportunity to be elected to the House of Representatives or to the Senate.

184. The right to vote is also a fundamental part of Jamaica's political system. The Electoral Office of Jamaica (EOJ) is becoming more inclusive in terms of ensuring that PWDs can exercise their constitutional right to participate in the process of electing their members of parliament, and ultimately the government of Jamaica. A User Manual for Election Day Workers incorporates issues relating to voting by PWDs except issues pertaining to persons who are Deaf. Based on continued discussions between the EOJ and the JCPD along with other agencies representing persons with disabilities, the matter will be addressed in the revision of the manual to ensure greater inclusiveness.

185. The **Representation of the People Act (ROPA)** makes provisions for voters who are visually impaired to get assistance from an acquaintance of their choice or a presiding officer. Discussions with persons who are blind and visually impaired, indicates the desire to maintain the secrecy of their vote, through relevant technology. The National Policy for Persons with Disabilities addresses the need for reasonable accommodations in voting instructions being available at polling stations.

186. Although special assistance is afforded to the elderly and persons with physical disabilities at the polling stations, there is no legislative guarantee for accessible polling stations. Generally, schools, community centres and churches are converted into polling stations. Many of these buildings were constructed several decades ago thus posing accessibility challenges. Implementation of the new National Building Code addresses improved accessibility to polling stations to maintain dignity and privacy throughout the voting experience for PWDs.

187. The EOJ has indicated that efforts are being made to place, as much as possible, polling stations on the ground floors of buildings used for this purpose. The intention is also to construct accessible temporary polling stations. Where a person with a disability has their right to vote violated, they have the option to report same to the EOJ or the Political Ombudsman and are entitled to the same redress as other citizens.

188. No legal barriers exist preventing PWDs from participating in political organizations. In 1998, Jamaica appointed its first Senator who is blind: Mr. Floyd Morris. Mr. Morris was re-appointed to the Senate in 2012 and served as the President of the Jamaican Senate from 2012 to 2016, thus demonstrating Jamaica's commitment to inclusion of persons with disabilities in the governance of the country.

189. The National Policy for Persons with Disabilities recognizes the rights of persons with disabilities and their families to form organizations to promote their welfare and protect their interests. There exist over forty non-governmental organizations in Jamaica that give specific attention to persons with disabilities while providing a wide array of health, education, training, and rehabilitative services. The GOJ consults with these organizations in the process of policy and programme development.

Article 30

Participation in cultural life, recreation, leisure, and sport

190. Jamaica is committed to ensuring that persons with disabilities are afforded equal opportunities of participation in cultural, recreational, leisure and sporting activities. The

government is aware of the role these activities play in building confidence, reducing isolation, and enriching the community.

191. The JCPD through a partnership with the existing NGOs provides a mechanism for referring registered PWDs to institutions providing training in art, craft, and other creative areas. Through Paradise Prints, a Centre operated by the JCPD, persons with disabilities are trained in craft work and produce high-quality household items made from batik. Throughout the year and during the National Disability Awareness Week an Evening of Excellence showcases the talents and abilities of PWDs to the public. There is the need for technical arrangements to ensure films and literatures are accessible to PWDs along with the provision of more physically accessible cultural spaces.

192. There exists various sporting opportunities for persons with disabilities. Annual sports day for PWDs are executed by various organizations. Persons with disabilities participate in a cornucopia of sporting activities such as dominoes, basketball, athletics, discuss, shot-put, to name a few. Regionally and international representation include Blind Cricket Competition, the Special Olympics, and the International Paralympics Committee (IPC) World Athletics Championships. Jamaican athletes are exceptional participants with medals demonstrating their prowess.

193. The Government is trying to have all national sports facilities accessible to persons with disabilities. A few sporting complexes, including Jamaica's main cricket ground, have already been made physically accessible, and work continues in this regard.

III. Specific Obligations under the Convention

Article 31

Statistics and Data

194. The Statistical Institute of Jamaica (STATIN) is responsible for conducting the national census. The 2011 census recorded not only the distribution of the persons in the population, but, provided statistics on education, employment, housing, and economic activities for persons with disabilities.

195. The results of the survey are available online by the STATIN. There are no documents in Braille and there are no sign language interpreters on staff. No additional research has yet been conducted on the part of the Government to collate specific data on the community of persons with disabilities. A socio-economic study of persons with disabilities was conducted in 2014 in Jamaica by the JCPD through funding from the IDB. Further, data gathering on the population of persons with disabilities resulting in the creation of a Confidential Registry began through the IDB Project enhancing the mandate of the JCPD. Despite not being mandatory, registration of individuals with disabilities increases their opportunity in accessing various benefits and other provisions from the JCPD and other social programmes.

196. This Registry though limited, provides necessary data for national policy development and programme planning. The registry captures information related to the clients' personal demographics including gender, employment history, medical history, type of disability and required assistance needed.

Article 32

International Cooperation

197. The Government of Jamaica has collaborated with several international organizations to ensure that the community of persons with disabilities receives technical and financial support geared at capacity building.

198. The Technical Cooperation Project between the Inter-American Development Bank and the GOJ (2012–15) provided support for improving the lives of persons with disabilities. Through the provision of this funding, not only was a comprehensive Disability

Registry created but this data ensures coordinated effort at recording, monitoring, and assisting persons with disabilities. This project also provides for the institutional strengthening of the Jamaica Council for Persons with Disabilities and the Early Stimulation Programme for children with disabilities.

199. The World Bank provided initial funding for a horticultural project which gave necessary training for persons with disabilities. This programme administered through the Abilities Foundation in 2011 is valued at US\$38,500.

200. Through the Integrated Social Protection and Labour Programme, the Inter-American Development Bank has also provided a five-year loan. This loan provides funding for the PATH programme. Funds will also focus on improving the services, facilities, and equipment of the MLSS Early Stimulation Programme for children with disabilities to improve PATH services to beneficiary children with disabilities.

201. Jamaica has also received research assistance to ensure evidence-based policies and programmes. In this context, the United Nations Population Fund (UNFPA) also has extended support to improve the data available by funding research in the field of disability.

Article 33

National Implementation and Monitoring

202. Following the ratification of the CRPD, the JCPD as the government agency responsible for implementing projects and policies accepted the responsibility to ensure the realization of the articles of the Convention on the Rights of Persons with Disabilities. The JCPD is now expected to manage policy analysis, programme development and conduct internal monitoring to garner information for national and international reporting.

203. The institutional structure to ensure the implementation of the Convention is strengthened by National Advisory Board for Persons with Disabilities replaced by the Board of Management mandated in the Act, has been given monitoring responsibility for the CRPD. The Government is yet to appoint an independent body to formally monitor the progress of the GOJ in implementing the CRPD.

204. The Government of Jamaica is also working towards the establishment of a national human rights institution (NHRI) for the promotion and protection of various forms of human rights, in accordance with the Paris Principles. The proposed institution has received the approval of the Cabinet, in principle, and Cabinet is expected to consider, in short order, the legislative changes required to give effect to the Institution. The NHRI is expected to have a broad focus and to have pluralist representation in its membership.

205. Several advocacy organizations exist in Jamaica for PWDs thus expanding their involvement in civil and political life. These organizations provide varying services including from rehabilitation, education, training and employment, welfare services and other forms of support services. These groups are vocal participants in the creation of national policies and have representatives on the relevant planning committees and boards. As a result of their advocacy the Combined Disabilities Association has national recognition as the main cross-disability organization in Jamaica. It has, through its intervention with the government, engineered several policies and programmes beneficial to persons with disabilities.

206. Institutional strengthening of the JCPD through a bilateral arrangement between the government of Jamaica and the Inter-American Development Bank, will allow for greater effectiveness to implement the tenets of the CRPD and the requirements of the Disabilities Act. The JCPD provides its services across the island through social workers assigned to various geographical areas. They collaborate with the social workers from the Programme of Advancement through Health and Education (PATH) to address the needs of persons with disabilities reporting on discriminatory or degrading treatment of these individuals. Sensitization of personnel involved in developmental programmes is paramount to their operation as the awareness-raising programmes have led to greater acceptance of persons with disabilities and investment in their development.

Additional Comments

Parking Spaces

207. Physical access to the environment is a vital element in the mobility and inclusion of persons with disabilities in society. With increased public awareness, major businesses have been designating parking spaces for persons with disabilities. Their enthusiasm to comply has however been overshadowed by the fact that the spaces are often times not created to the specification provided by the Building Code. Additionally, based on the delayed implementation of the Disabilities Act, members of the public park in the spaces designated for persons with disabilities without penalty in some areas.

Digicel Foundation/UNICEF/MLSS-JCPD Project

208. The Digicel Foundation in partnership with the United Nations Children’s Fund (UNICEF) and the Ministry of Labour and Social Security through the Jamaica Council for Persons with Disabilities (JCPD) is undertaking a three-year project from 2017–2019. The project entitled “Strengthening the Inclusion of Children with Disabilities” is seeking to facilitate greater inclusion of persons with disabilities, especially children.

209. The project seeks to facilitate the increased registration of children with disabilities to the JCPD, support medical testing for disability diagnosis of 100 children; identify specific barriers to children with disabilities that reduce access to education and skills training; as well as the completion of disability related studies; and to strengthen political commitment to the enacting and implementation of the Disabilities Act 2014. The project focuses efforts at a policy level to hold duty bearers accountable towards the implementation of legislation and the development of suitable policies. This project will enhance the provision of services for persons with disabilities by enabling an inclusive society where persons with disabilities gain full participation in the formulation, implementation and evaluation of decisions determining their function and wellbeing and are empowered.
