



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

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Committee on the Rights of Persons with Disabilities

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Item 5 of the provisional agenda

**Consideration of reports submitted by parties to
the Convention under article 35**

**Replies of Jamaica to the list of issues in relation to its initial
report***

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A. Purpose and general obligations (arts. 1–4)

Reply to paragraph 1 of the list of issues CRPD/C/JAM/Q/1

1. The Disabilities Act passed in 2014, is significantly in line with the human rights model of disability enshrined in the Convention. The Disabilities Act is to promote, protect and ensure the full and equal enjoyment by PWDs, of privileges, interests, benefits and treatment on an equal basis with others, to establish the Jamaica Council for Persons with Disabilities (JCPD), and connected matters.

2. 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

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

3. 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.

4. Respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons. While there are a number of gaps in terms of the full alignment of the Act with the Convention, there is recognition of the fact that the Act makes provision for a review to be done three (3) years after its effective date. As such, being mindful of the context of progressive realization, Jamaica remains committed to its obligations under the CRPD and to its citizens with disabilities.

5. In terms of the progress made towards domestication of the Convention and the extent to which persons with disabilities can invoke its provisions in court proceedings, the Disabilities Rights Tribunal is currently in the early stages of being established and is aimed at ensuring adequate redress for acts of discrimination against Persons with Disabilities. The structure and the various professionals required for its establishment are being finalized in tandem with the establishment of the JCPD as a body corporate. As a public body, the JCPD is mandated to be the policy making, planning, monitoring, coordinating body of Government, advocating for the prevention of the cause of disability, rehabilitation and equalization of opportunities in the context of a rights based society for persons with disabilities and lead in the implementation of programmes and projects. Additionally, the JCPD will have responsibility for investigating complaints of discrimination and making referrals of them to the Tribunal. The relevant provisions including budget are being put in place for the next financial year to ensure the effective implementation of the Act.

6. 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, to 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.

Reply to paragraph 2 of the list of issues CRPD/C/JAM/Q/1

7. The Government has established an Advisory Board of the Jamaica Council for Persons with Disabilities (JCPD) that provide advice on matters of policy and programmes to ensure inclusion of persons with disabilities in society. This board consists of persons with disabilities or their representatives.

8. The Disabilities Act establishes the Board of Management of the JCPD – **Section 7**. This Board will be responsible for determining the policy and general administration of the affairs of the JCPD. The constitution of the Board is set out in the **Second Schedule** to the Bill. It is to be constituted of not less than 17 members. A minimum of 7 members shall be persons who are members of the following groups:

- The Deaf;
- The Blind and visually impaired;
- The physically disabled;
- The intellectually disabled.

Reply to paragraph 3 of the list of issues CRPD/C/JAM/Q/1

9. The Mental Health Act is being reviewed with an emphasis on safeguarding the human rights of persons with mental disorders or disabilities. Cabinet has given approval for its amendment, including the preparation of drafting instructions to be submitted to the Chief Parliamentary Counsel (CPC). The proposed date for the completion of the drafting instructions is December 2020 and the legislative process begins thereafter.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Reply to paragraph 4 (a) of the list of issues CRPD/C/JAM/Q/1

10. The Disabilities Act 2014, is such a comprehensive anti-discriminatory legislation that seeks to ensure protection of the rights of persons with disabilities.

Reply to paragraph 4 (b) of the list of issues CRPD/C/JAM/Q/1

11. The National Housing Trust (NHT) continues to provide special housing opportunities to persons with disabilities, as such, 5% of all housing developments are reserved for 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. In addition, the NHT also provides a grant of JMD\$150,000.00 (approximately USD \$1,067.31) 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.

12. For the period April to August 2019, there were 56 requests for letters for clients to take to various institutions for benefits; of the number 33 were letters and applications to the NHT for housing solutions at the reduced mortgage rates or for retrofitting homes for greater accessibility.

Reply to paragraph 4 (c) of the list of issues CRPD/C/JAM/Q/1

13. Implementation of the Disabilities Act 2014 serve to further reinforce 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 (BGA) or through the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA).

14. Additionally, the Government through the Bureau of Gender Affairs continues to promote a culture of non-violence through their observance of International Day for the Elimination of Violence Against Women (IDEVAW) and other relevant activities. The forums and workshops held to empower women are inclusive of persons with disabilities. In facilitating such sessions, the Bureau ensures they receive the necessary tools and information in the appropriate formats that are accessible.

Women with disabilities (art. 6)

Reply to paragraph 5 (a) of the list of issues CRPD/C/JAM/Q/1

15. 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.

16. In addition, women and girls are consulted with and included at varying levels of decision making in the Jamaican society. Women with disabilities are on national Boards and Committees including the Planning Institute of Jamaica (PIOJ) and the Advisory Board for the Jamaica Council for Persons with Disabilities, on disability and other matters of national importance for example, National Social Protection and Poverty Reduction.

Reply to paragraph 5 (b) of the list of issues CRPD/C/JAM/Q/1

17. Specific interventions are being implemented including public education and sensitization with the judiciary and other key service point people in the justice system to build awareness on the intellectual disabilities and the systems of support required within the justice system to facilitate their participation and ensure the delivery of justice. Additionally, there is research and documentation of the barriers facing persons with Intellectual Disabilities in an effort to target reform in the Jamaican justice system.

Children with disabilities (art. 7)

Reply to paragraph 6 (a) of the list of issues CRPD/C/JAM/Q/1

18. Based on the age (0–6), maturity and disabling condition of children being served by Early Stimulation Programme these children are not able to participate in the decision-making process that affects them and the mechanisms to protect their rights. However, parents, guardians and caregivers are being sensitized to the rights of persons with disabilities through seminars, parenting workshops, community based rehabilitation and public education.

Reply to paragraph 6 (b) of the list of issues CRPD/C/JAM/Q/1

19. The Early Stimulation Programme serves children across the island through the Kingston office. However; the clinician, physiotherapy and community based rehabilitation services have been extended to St. James, St. and St. Thomas.

Reply to paragraph 6 (c) of the list of issues CRPD/C/JAM/Q/1

20. Through the strengthening of the Social and Economic Inclusion of Persons with Disabilities Project 2017–2019 a number of measures were taken to combat the inequalities of children with disabilities this includes.

(a) The procurement of adaptive aids to improve the quality of life of children with disabilities;

(b) Provision of parents training workshops;

- (c) Staff training/workshop;
- (d) Engagement of specialist personnel such as Physiotherapist, Speech therapist, Educational Psychologist;
- (e) Construction of a multipurpose assessment and intervention building for children with developmental disabilities;
- (f) Expansion of the Stim Plus Intervention Centre.

Awareness-raising (art. 8)

Reply to paragraph 7 (a) of the list of issues CRPD/C/JAM/Q/1

21. The Government of Jamaica continues its 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 rights and abilities of persons with disabilities. Since 2018, the JCPD has utilized the images and voices of persons with disabilities in an *'I AM ABLE'* Campaign on social and traditional media as well as creating a national calendar. This will be continued as an annual feature disseminated to most national agencies including Government and private sector, as well as our international partners. Persons with disabilities are usually the ones delivering presentations at sensitization sessions or in accessibility checks. The awareness raising activities have had a positive impact on the society as more agencies – both Government and private sector have been making increased requests for representation or information to provide guidance on how to include persons with disabilities in the planning and execution. For the first time the road shows have been held which included the participation of persons with disabilities and presentation on the legal obligation of employers in the job market based on the Disabilities Act, 2014.

Reply to paragraph 7 (b) of the list of issues CRPD/C/JAM/Q/1

22. A knowledge, attitudes, behaviour and practices (KABP) study was conducted in 2015 to guide the drafting of a communication plan for the JCPD. This study found that public perception and knowledge of disabilities were very low for most disabilities and perception for persons with mental illness was worst. Since then the Ministry of Health and Wellness (MOHW) has been focusing on the issues of mental health through traditional and social media and though the stigma is still present, awareness and sensitization continue to increase to help break the barriers. The media campaigns have sought to normalize mental health to assist members of the society to understand the issues and how they should be effectively managed.

23. The campaigns have also included the rights of persons with disabilities based on the Disabilities Act and other sensitization sessions with key stakeholders and duty bearers. We must however state that the impact is greater in the urban areas than the rural areas as there are greater opportunities for engagement at a national level.

Accessibility (art. 9)

Reply to paragraph 8 (a) of the list of issues CRPD/C/JAM/Q/1

24. The Building Act took effect in January 2019. It seeks to discourage squatter settlements from being built, promote sustainable development and establish and enforce internationally accepted building standards and rules for individuals and entities providing construction material and services.

25. Transportation, though not adequate is provided for persons with disabilities involving mobility issues. All other persons with disabilities have access to all other forms of public transportation.

26. By law a portion of the funds of the Universal Service Fund (USF) is designated to ensure persons with disabilities have access to affordable information and communication technologies (ICTs). Two of the objectives of the Telecommunications Act relating to persons with disabilities are:

(a) Promoting the interests of customers, purchasers, and other users (including in particular, persons who are disabled or the elderly) in respect of the quality and variety of telecommunications services and equipment supplied; and

(b) To promote universal access to telecommunications services for all persons in Jamaica, to the extent that it is reasonably practicable to provide.

27. Consultation with the community of persons with disabilities is currently a priority in an effort to enable the independence and participation of the community of persons with disabilities.

Reply to paragraph 8 (b) of the list of issues CRPD/C/JAM/Q/1

28. The library community has been evolving and remains quite relevant in a technologically-driven society through the array of services it offers to meet the demands of users. The Jamaica Library Service (JLS) consists of 119 fixed locations, that is, 13 parish libraries and 106 branch libraries. There is also a mobile library service which caters to some 370 communities island wide. The Jamaica Library Service offers free access to computers, internet and other electronic resources to enable persons to utilize a range of informational, educational and recreational resources. Additionally, well trained computer specialists are available in the thirteen (13) parish library networks to ensure that technical problems are solved quickly and users enjoy reliable and efficient computer services. Basic computer training is also offered to members of the public. The library caters to the visually impaired and is equipped with the relevant software such as the accessibility options that come with the Microsoft operating system to facilitate this group.

Reply to paragraph 8 (c) of the list of issues CRPD/C/JAM/Q/1

29. The Bureau of Standards Jamaica and the National Compliance and Regulatory Authority are supporting the government to ensure safety and quality control in the implementation of the Building Code. Provisions in the Building Act include ensuring public safety and welfare, ensuring the accessibility and safety for individuals with disabilities and promoting sustainable development.

Situations of risk and humanitarian emergencies (art. 11)

Reply to paragraph 9 (a) of the list of issues CRPD/C/JAM/Q/1

30. The Jamaica Council for Persons with Disabilities along with the Combined Disabilities Association are representative bodies that are engaged with the ODPEM to ensure persons with disabilities are adequately considered in the response to natural disasters and humanitarian emergencies.

Reply to paragraph 9 (b) of the list of issues CRPD/C/JAM/Q/1

31. 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.

Equal recognition before the law (art. 12)

Reply to paragraph 10 (a) of the list of issues CRPD/C/JAM/Q/1

32. The Mental Health Act is being reviewed with an emphasis on safeguarding the human rights of persons with mental disorders or disabilities. Cabinet has given approval for its amendment, including the preparation of drafting instructions to be submitted to the Chief Parliamentary Counsel (CPC). The proposed date for the completion of the drafting instructions is December 2020 and the legislative process begins thereafter.

Access to justice (art. 13)

Reply to paragraph 11 (a), (b), (c) and (d) of the list of issues CRPD/C/JAM/Q/1

33. 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. The structure and administrative arrangements for the Disabilities Rights Tribunal are currently being finalized to be in place when the Act takes effect.

34. 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.

35. 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.

36. 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.

Liberty and security of the person (art. 14)

Reply to paragraph 12 (a), (b), (c) and (d) of the list of issues CRPD/C/JAM/Q/1

37. 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.

38. 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 Protection and Family Services Agency (CPFSA) formed out of a merger of the Child Development Agency and the Office of the Children's Registry, is a leader in Jamaican child protection system, with a reputation for work in promoting child-friendly policies and ground breaking programmes to strengthen families. To this end, the policy of the CPFSA is best achieved if children remain in their homes. However; in instances where the safety and security of children is 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.

39. 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.

40. 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 with the objective 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.

41. 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. Some officers and the judiciary are being trained in the use of basic sign language for use in the Courts, which while insufficient is a positive development.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to paragraph 12 (a) and (b) of the list of issues CRPD/C/JAM/Q/1

42. Access to independent monitoring via the Mental Health Review Boards is present in all the Regional Health Authorities and nationally via a Mental Health Tribunal where recourse can be sought for patients with mental disorders. These Boards are made up of independent persons who provide invaluable feedback for solutions on cases brought to attention. The MOHW has also established a Client Complaint Mechanism that has the capacity to investigate, address and resolve grievances at the local, regional and national level. Additionally, the Quality Rights Tool Kit developed by the Pan American Health Organization/World Health Organization that offers independent monitoring for patients with mental disorders/disabilities in different types of health care settings is also used in country.

Reply to paragraph 13 (a) of the list of issues CRPD/C/JAM/Q/1

43. There is a provision in the Mental Health law for involuntary admission. Standard Operating Procedures exist for forced admission and one of the following criteria must be satisfied:

- The patient is a threat to self;
- The patient is a threat to others;
- The patient is a threat to property.

44. Post admission, the patient must be reviewed by a psychiatrist or medical officer within 72 hours to ensure that the admission is warranted. Justification must also be presented and documented for the continued stay in hospital of the patient. The relatives are usually aware of the situation and kept informed as decisions are made.

Reply to paragraph 14 of the list of issues CRPD/C/JAM/Q/1

45. All research involving humans must be reviewed and approved by the Ethics committee of the MOHW to ensure that there is no experimentation and or trials of

treatments, on any patient including persons with disabilities. Several “watch dog” institutions such as the Office of the Public Defender, the Children’s Advocate and Human rights organizations safeguard the rights of the most vulnerable.

Freedom from exploitation, violence and abuse (art. 16)

Reply to paragraph 15 (a), (b) and (c) of the list of issues CRPD/C/JAM/Q/1

46. Various training has been conducted by the Ministry of Justice with senior police officers in understanding and dealing with issues relating to human rights. Special emphasis has been placed on women, disabilities, and children.

47. In 2013-18, Phase two of USAID’s Community Empowerment and Transformation Project (USAID COMET II) sought to build safer communities through strengthening community and civil society organizations, increase integrity and accountability within society, support at-risk youth programs, and improve community policing practices. The project sought to capitalize on existing USAID and Government of Jamaica (GOJ) endeavours and create new opportunities for promoting community-based partnerships that will prevent violence, support for the rule of law, control corruption, and increase citizen participation and youth engagement.

Reply to paragraph 16 of the list of issues CRPD/C/JAM/Q/1

48. There is currently no available statistics disaggregated by disabilities.

Living independently and being included in the community (art. 19)

Reply to paragraph 17 (a) of the list of issues CRPD/C/JAM/Q/1

49. The draft national housing policy makes provision for social housing to vulnerable groups including persons with disabilities. The purpose is to provide accommodation for households in need and for social and community benefit. Social housing encompasses public rental housing, subsidized community housing, supported housing and emergency accommodation.

Reply to paragraph 17 (b) of the list of issues CRPD/C/JAM/Q/1

50. Measures to deinstitutionalize persons with physical and intellectual disabilities have led to the policy position that as far as possible these individuals should live within their community. At the Bellevue Hospital the population has been reduced from over 3000 to 800. NGOs have assisted in setting up housing and other facilities for these persons. These persons post assessment will fall into one of the following three categories: a) independent living; b) supervised living; and 3) assisted living. However, a structured arrangement for placing them does not exist throughout the island. Faith Based Organizations offer assisted living spaces to some patients.

Reply to paragraph 17 (c) of the list of issues CRPD/C/JAM/Q/1

51. Currently there are 500 chronic and 300 acute and sub-acute persons residing at the Bellevue Hospital. Plans are in place to identify alternate and more satisfactory living arrangements for the chronic patients in keeping with the policy of Deinstitutionalization. Community support is provided by mental health teams that go into the community to provide treatment to the mentally ill and at times provide food and other necessities.

Personal mobility (art. 20)

Reply to paragraph 18 of the list of issues CRPD/C/JAM/Q/1

52. The Government continues to support the mobility of persons with disabilities through the provision of Assistive Aid Grants for persons with disabilities registered with the Jamaica Council for Persons with Disabilities (JCPD). As at August 2019, there are

34,697 persons on the JCPD database who are able to access support. Of the number, 17,111 have mobility challenges.

Freedom of expression and opinion, and access to information (art. 21)

Reply to paragraph 19 (a) of the list of issues CRPD/C/JAM/Q/1

53. The JCPD has led the charge of making its website accessible and has since encouraged other agencies in both public and private sector to follow suit. The Ministry of Labour and Social Security (MLSS) has since upgraded their website to ensure accessibility and the Labour Market Information System (LMIS) has created an App which they have provided to the community of persons with disabilities to test for its accessibility.

Reply to paragraph 19 (b) of the list of issues CRPD/C/JAM/Q/1

54. The Special Education Policy within which Sign Language is anchored and would be made official is yet to be finalized hence, work on this remains progressive.

Respect for home and the family (art. 23)

Reply to paragraph 20 of the list of issues CRPD/C/JAM/Q/1

55. Various Strategic Activities have been undertaken by the National Family Planning Board (NFPB) for the period 2016–2019 which includes:

- (a) Conducting Sensitization (health education) sessions with students from schools providing education to children with disabilities;
 - (i) Health education (sensitization sessions) covered sexual reproductive health topics such as HIV Basic Facts & STIs, Puberty “Good Touch Bad Touch”, Family Planning (Methods and Effectiveness), Risky Sexual Behaviour;
 - (ii) These sessions were covered at Randolph Lopez School of Hope, Carberry Court of Special School, and the Jamaica Association for the Deaf, the Woodlawn School of Special Education- Mandeville, Manchester, and Edgehill School of Special Education- St. Ann’s Bay, St. Ann.
- (b) Provision of Family Planning and HIV Test & Counselling services to students and staff at schools providing educational support to the disabled population;
- (c) Increasing the support that parents/caregivers provide for their adolescent with regards to accessing family planning and HIV Testing & Counselling services and prevention commodities such as condoms;
- (d) Sensitization sessions were conducted with caregivers on matters related to Parenting an Adolescent (How to Discuss Matters Related to Sex). Issues related to condom usage and family planning were addressed and myths about persons living with disabilities and family planning and HIV were dispelled;
 - (i) Condoms and other contraceptive options were discussed with care givers and condoms were distributed.
 - (ii) Referrals were made for Family Planning counselling as well as for HIV Testing & Counselling, along with mental health counselling.
- (e) Provision of support to stakeholders, such as NYS, on their integration work place program. The program is aimed at integrating members of the disabled population into traditional work places;
- (f) Conducting of Strategic meetings with the NFPB and the Executive Director of the Jamaica Council for Persons with Disabilities to discuss possible areas for collaboration;
 - (i) Other Strategies to be undertaken for the period 2020–2021:
 - (g) Establish a Technical Working Group of stakeholders to respond in a comprehensive manner to the needs of the disabled community.

(h) Strengthen the support provided to caregivers of adolescents living with disabilities to make informed decisions on matters related to HIV/STI prevention and treatment and family planning.

(i) Increase the partnership/network support for stakeholders who provide services to members of the disabled community.

(j) Items from Strategic Meeting between NFPB and JCPD to be reviewed in upcoming financial period, funding to be identified and assigned to items for action.

(k) Strengthen and maintain the inclusion of members of the disabled community on matters related to strategic planning for interventions to address the vulnerabilities impacting the community in relation to HIV/STI prevention and unplanned an unwanted pregnancy.

(l) Build the capacity of the technical/administrative staff from agencies providing service to members of the disabled population with regards to sustainability to better engage and reach persons living with disabilities on matters related to HIV/STI prevention and unplanned an unwanted pregnancy.

(m) Build the capacity of health care providers in the public and private sphere to better engage and reach members of the community of PWDs with HIV prevention and family planning services.

Education (art. 24)

Reply to paragraph 21 (a) of the list of issues CRPD/C/JAM/Q/1

- Proficiency Pathways at the primary level- intervention is provided to students based on their performance on the grades 1 and 3 National Assessments. Students are instructed based on their functioning level;
- Alternative Pathways to Secondary Education (APSE) – at the secondary level, students enter the system on one of 3 pathways based on their performance in the grade 6 exit exams. Students on Pathway 3 receive support from Student Support Pathway Coaches who are trained Special Educators. The Coaches monitor and support the students and also participate in co-planning and co-teaching with the general education teachers;
- In-service teachers are being trained in Teaching Students with Exceptionalities in Mainstream (TCEM);
- A training programme in Inclusive School Leadership (ISL) has been designed for principals. This will be rolled out in January 2020 through the National College of Educational Leadership;
- Shadows/Caregivers are engaged to provide support for students with disabilities in the mainstream;
- Regional Special Needs Coordinators have been engaged to support schools in each educational Region;
- Student Support Teams-Clinical Psychologists, Ed Psychologists and Educational Diagnostician have been engaged to provide assessment and intervention;
- All pre-service teachers participate in a least one course in special education during teacher training;
- Budgetary allocation for Special Education: 1.2 billion for 2019/2020.

Reply to paragraph 21 (b) of the list of issues CRPD/C/JAM/Q/1

- Student Support Teams in each Region;
- Two new assessment centres have been opened and a third is to be constructed in the next financial year.

Reply to paragraph 21 (c) of the list of issues CRPD/C/JAM/Q/1

56. Accommodations are available for students sitting all national assessments as well as for students sitting CSEC.

Reply to paragraph 21 (c) of the list of issues CRPD/C/JAM/Q/1

57. The Early Stimulation Programme (ESP) is an early intervention programme for young children (0–6 years), with various types of developmental disabilities. The ESP operates from three (3) centres located in Kingston and St. Andrew (KSA), Portland and St. James.

58. The Programme has grown immensely over the past decade, as the number of clientele has increased significantly. There are three (3) main aspects to the programme:

(a) Centre based – These services include assessment and review of therapeutic services (physical and sessional speech therapy), parent orientation and counselling as well as, parent training workshops. Centre based services are provided primarily at the Head Office at 95 Hanover Street, Kingston.

(b) Community based – These services include home, nursery and school visits to train parents and caregivers in early intervention techniques. Community based services are extended to some parts of St. Catherine. With the opening of the Portland Centre in September 2007, community based services have also been extended to children in Portland and St. Mary.

(c) In 2006, the Stimulation Plus Child Development Centre was opened. This was based on the urgent need for a special early childhood centre to provide educational services for children with special needs in a structured environment. The Centre, provides a full day intervention programme for Children with Disabilities (CwDs) ages 3–6 years. The opening of this Centre gave parents and caregivers the opportunity to work or become engaged in entrepreneurship activities, while their children are being taught and cared for in a safe and stimulating environment. Further extension of the programme has gone to Montego Bay, St James in collaboration with the West Haven Children’s Home for the Disabled. A mobile bus is currently being procured to enable further extension of the programme to areas currently not served.

59. The data shows that there were 72 ‘new clinic sessions’ held for the 2018/19 FY. The year’s target was 90 per cent achieved. In addition, there was a decline of 12 or 14.3 per cent in the number of ‘new clinic sessions’ held when compared to the previous year. Based on these sessions, 539 new clients were seen and assessed. Further review of the data also shows a decrease in the number of new clients seen by 61 or 10.2 per cent.

60. One thousand, three hundred and twenty (1,320) physiotherapy sessions were held for the 2018/19 FY. The data shows an increase of 366 or 38.3 per cent compared to the 2017/18 period. Some parents are faced with challenges in caring for children with disabilities. As such, 54 parenting seminars and workshops were conducted in the 2018/19 FY to assist parents with the necessary coping skills. For FY 2018/19, 132 children were referred for placement in primary and special education units. Of the 132 referred, 95 were placed. This shows a slight decrease of five (5) per cent when compared to the previous reporting period. For the same period, there were 1,626 children referred for specialized assistance. Further analysis of the data shows a slight increase of 133 or 9 per cent, compared to the 2017/18 FY. Physiotherapy recorded the highest number of referrals for specialized assistance, with 1,320 or 81 per cent of the total. This was followed by referrals to educational institutions, with 202 or 12.4 per cent. Further analysis of the data indicates that boys accounted for 1,028 or 63.2 per cent.

Health (art. 25)**Reply to paragraph 22 (a) of the list of issues CRPD/C/JAM/Q/1**

61. The MOHW has been improving the physical environment of the health facilities by installing ramps and rails as well as retrofitting bathrooms so they can be easily accessed by the elderly and persons with disabilities.

62. Braille was introduced into some health centres and sign language sensitization is conducted annually through the joint effort of the Policy and Standard and Regulations Units in the MOHW.

Reply to paragraph 22 (b) of the list of issues CRPD/C/JAM/Q/1

63. All persons over the age of consent can access all services offered at public facilities in country free of cost.

Reply to paragraph 22 (c) of the list of issues CRPD/C/JAM/Q/1

64. The Mental Health Unit along with the Regional Health Authorities conduct training with health care workers utilizing the mental health Global Action Plan (mhGAP) implementation guide. The latter focuses on the reduction of stigma and discrimination through integration of mental health into primary care primarily through training of primary care clinicians. The general public is also being sensitized to the damaging effects of stigma and discrimination through on-going media campaigns.

Habilitation and rehabilitation (art. 26)

Reply to paragraph 23 of the list of issues CRPD/C/JAM/Q/1

65. 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. 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.

66. 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. 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.

67. Annually, the Government allocates JM D\$16M (USD\$113,846.26) for Economic Empowerment and Assistive Aid Grants, JMD\$10M (USD\$71,153.91) is apportioned for Economic Empowerment (EEG) and JMD\$6M (USD\$42,692.35) for Assistive Aids (AAG). For the financial year to date – April to November 2019/20 – eighty-three (83) applications for assistive devices were made to the JCPD; of the number, sixty-two (62) were reviewed and forty-two approved to the tune of JMD\$7,683,786.00 (that is, USD \$54,673.14). Of the number of applications for assistive devices, Twenty Three (23) that is, ten (10) males and thirteen (13) females AAG reviewed were from the urban area of Kingston and St. Andrew while thirty-nine (39) – that is, sixteen (16) males and twenty three (23) females were from rural areas. Twenty-nine (29) of the thirty-nine – that is, fourteen (14) males approved in the amount of \$2,761,365.00 and fifteen (15) females approved in the amount of \$2,582,921.04 – from rural areas were approved amounting to JMD\$5,344,286.04 (USD\$38,026.69).

68. 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.

Work and employment (art. 27)

Reply to paragraph 24 (a) of the list of issues CRPD/C/JAM/Q/1

69. 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. 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.

70. In the Labour Market Survey conducted in 2016, of a total of 660 firms employing a total of 69,364 workers were interviewed. Of the number, ten percent (10%) of the firms employed persons with disabilities, accounting for 1% of workers on average. Persons with disabilities accounted for thirty-three percent (33%) of these workers who were in unskilled positions in the production and services industry and thirty percent (30%) were in skilled positions. Additionally, fifteen percent (15%) of firms also reported that employees with disabilities were in the Professional/Technical area, while 19% worked in Managerial positions. According to the survey, among the industries, Government continues to be the most prominent employer of PWDs. This prominence was followed by firms in the Community, Social and Personal Care – 15% and Hotels and Restaurants industries – 14%. Of the percentage of PWDs employed, 72% were engaged on a full time basis, 15% employed part-time & full time and 13% part-time only.

71. In the survey, fifty-five percent (55%) of firms with vacancies were prepared to consider employing persons with disabilities. In this regard according to the survey, the greatest opportunities for employment existed for persons with physical disabilities, as more than half of the firms highlighted this group as the one they would employ. Opportunities for persons with physical disabilities were mostly found in Skilled Work in Production and Services – 66%; followed by Professional/Technical areas – 61%. Forty one percent (41%) of persons who were Deaf or Hard of Hearing, would be considered for Unskilled Work in Production and Services and visually impaired for Managerial positions – 21%. Very little opportunity existed for those with mental disabilities – 9% in the Unskilled workers in Production and Services and 5% in the Skilled workers in Production and Services industries.

Reply to paragraph 24 (a), (b), (c) and (d) of the list of issues CRPD/C/JAM/Q/1

72. The current measures being taken to ensure increase of employment inclusive of retraining and re-employment along with the provision of reasonable accommodation is the implementation of the Disabilities Act and continued dialogue with employers particularly in the private sector.

The Disabilities Act states that:

“An employer shall not discriminate against a person with a disability who is otherwise qualified for employment –

- (a) In terms of employment afforded to the employee;*
- (b) In relation to the opportunities afforded to the employee for promotion, transfer, training or the receipt of any other benefit; or*
- (c) By dismissing him or subjecting him by virtue of his disability to any other detriment, without reasonable cause.”*

Additionally,

“where an employee has become disabled whether by virtue of his employment or otherwise and that employee is no longer capable of executing the tasks required by his contract of

employment, in so far as there is no disproportionate or undue burden the employer shall redeploy the employee to a position that –

- (a) *Is commensurate with the current skills and abilities of the employee; and*
- (b) *Does not result in loss of remuneration and benefits to the employee.”*

73. The Act makes provision for a Disabilities Rights Tribunal that will hear complaints brought to it by an aggrieved person where it can be established that there are acts of discrimination carried out against the person with the disability.

Adequate standard of living and social protection (art. 28)

Reply to paragraph 25 of the list of issues CRPD/C/JAM/Q/1

74. 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.

75. 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.

76. The MLSS, through the National Insurance Scheme, offers an Invalidity 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.

77. 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.

78. A Grant of \$17M is made available to PwDs to facilitate their management of small business ventures for their economic development as well as acquisition of assistive devices to enhance their independence. The Jamaica Council for Persons with Disabilities provided economic empowerment grants of up to \$150,000 to persons with disabilities to help them develop small businesses. For the period 2018/19, (17) clients were approved for EEG i.e. 8 males & 9 females in the amount of \$1,584,908.99. Another eighteen (18) clients were approved for Assistive Aids i.e. 10 males & 8 females to the tune of \$2,555,692.32. Clients can access up to a maximum of \$250,000.00 per person for the purchase of assistive aids.

79. Other supports to persons with Disabilities include access to grants, credit and micro-financing (inclusive of financial literacy training and information) support human capital development and entrepreneurship.

Participation in political and public life (art. 29)

Reply to paragraph 26 of the list of issues CRPD/C/JAM/Q/1

80. 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. There are efforts as far as it is possible to ensure that the buildings utilized for voting are made accessible to persons with mobility challenges.

Participation in cultural life, recreation, leisure and sport (art. 30)

Reply to paragraph 27 of the list of issues CRPD/C/JAM/Q/1

81. A Draft Cabinet Submission for the accession to the Marrakesh Treaty was prepared by the Jamaica Intellectual Property Office (JIPO) in 2016. In 2017, the Attorney General's Chambers advised that legislative amendments would be required to the Copyright Act to implement the provisions of the Marrakesh Treaty in Jamaica.

82. A Draft "Cabinet Submission on Issuance of Drafting Instructions to Amend the Copyright Act to Fulfil Obligations under the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled" was prepared by JIPO in 2018.

83. The Attorney General's Chambers is currently reviewing the Revised Draft Cabinet Submission.

84. Once the Copyright Act has been further amended and approved by Parliament Jamaica will proceed to accede to the Treaty.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Reply to paragraph 28 (a) of the list of issues CRPD/C/JAM/Q/1

85. The Jamaica Council for Persons with Disabilities as part of its awareness raising efforts continue to utilize various mediums including partnerships to ensure persons with disabilities are registered and can therefore access benefits. Through partnership with UNICEF and the Digicel Foundation USD\$154,000 was allocated to ensure over 800 children with disabilities were registered with the JCPD. The partnership provided support for the payment of psychological assessments and medical testing for disability diagnosis of 332 children with disabilities (0–18yrs) to the tune of USD \$180,800.00. Additionally, there was the development and implementation of a national media campaign on the rights of PWDs. The media campaign was executed with funding of USD\$2,711,314.00. A Social Marketer was contracted to support the JCPD social media presence on new social media platforms, to increase their presence on existing platforms, JCPD Website and to create and distribute engaging written or graphic material. One major output is the development of a landing page for the campaign. Families and persons with disabilities can access the registration forms and information on the JCPD website at www.jcpdja.com.

Reply to paragraph 28 (b) of the list of issues CRPD/C/JAM/Q/1

86. In 2011, the Statistical Institute of Jamaica (STATIN) was guided by the recommendations of the Washington Group short set of questions on disability Statistics. This will also be utilized in the 2021 census even in the face of queries by stakeholders regarding the adequacy of the tool to capture all disability groups.

87. The Survey of Living Conditions (SLC) also captures disability information however; the sample size is stated as too small for accurate analysis.

Reply to paragraph 28 (c) of the list of issues CRPD/C/JAM/Q/1

88. Statistical information remains a challenge and support is required to conduct a specific survey or census for persons with disabilities. Until then, the generic 10% of the population is usually utilized.

International cooperation (art. 32)**Reply to paragraph 29 of the list of issues CRPD/C/JAM/Q/1**

89. Due to increased public awareness, and the efforts to attain the goals of VISION 2030 Jamaica Development Plan as well as the SDGs, it has become more normalized for persons with disabilities and their representative organizations to be consulted within the design phase of international cooperation agreements.

National implementation and monitoring (art. 33)**Reply to paragraph 30 (a) and (b) of the list of issues CRPD/C/JAM/Q/1**

90. 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 has been conducting internal monitoring to garner information for national and international reporting.

91. The institutional structure to ensure the implementation of the Convention is strengthened through the National Advisory Board for Persons with Disabilities to be replaced by the Board of Management mandated in the Act, and 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.

92. 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.
