

VOTE JUSTICE



A Human Rights Call-To-Action



August 2020

Introduction

In February 2016, J-FLAG published a call to action entitled ‘The Road Towards Sustainable Development: A National Focus on Human Rights, Economic and Social Justice’ encouraging political leaders to pay attention to the needs of the most vulnerable and marginalized in our society as we pursue national development.

In so doing, through forty-four recommendations under ten thematic areas, it urged our political leaders to pay attention to and thereby include human rights and social and economic justice issues as part of their election campaign and policies and programmes while in government. Two of the recommendations were fully implemented by way of removing the gender disparities in PATH disbursements to children and banning the use of styrofoam and single use plastics. Twenty-six (26) of the recommendations were partially implemented or are still in progress but there were sixteen (16) recommendations where no action was taken.

Political leaders continue to ignore the importance of human rights and social justice and fail to take action on these issues which affect thousands of citizens. The COVID-19 pandemic has shown how vulnerable many Jamaicans are and that it is critical that the issues bombarding those who are marginalized and vulnerable be prioritized.

It is ill advised to continue to ignore these issues. Political leaders must take action to safeguard the rights, livelihood and well-being of the most vulnerable. We call on both major political parties to clearly articulate a plan of action reflecting a commitment to promoting and protecting the rights of all Jamaicans, including those who are most vulnerable by virtue of their circumstances or membership in a particular group.

We call on all Jamaicans to Vote (for) Justice this election by demanding that their Member of Parliament and their political party outline plans for the elderly, persons with disabilities, lesbian, gay, bisexual and transgender (LGBT) persons, women, children and youth, persons living with HIV and incarcerated persons.

We are calling on political leaders to consider the following recommendations as critical matters of human rights, social justice and economic and clearly state how they will be addressing same if they are to take the reins of governance after September 3, 2020:

- I. **Create and Strengthen National Mechanisms to Facilitate the Enjoyment of Rights** (Vision 2030 Goal 2, Outcomes 5 & 6; SDG 16)
- II. **Reduce Stigma and Discrimination and Protect and Promote the Rights of the Most Vulnerable and Marginalised within the Jamaican Society** (Vision 2030 Goal 2, Outcomes 5 & 6; SDGs 3, 5, 8, 10 & 11)
- III. **Empower People with Disability (PWD) to Achieve Their Fullest Potential and fully Contribute to and Benefit from Jamaica's Development** (Vision 2030 Goal 1, Outcome 2; SDGs 1, 3, 4, & 8)
- IV. **Enhance the Lives of Retired Persons, the Elderly and their Families** (Vision 2030 Goal 1, Outcomes 1 & 3; SDG 1 & 3)
- V. **Promote and Protect the Rights of Children** (Vision 2030 Goal 1, Outcome 3 and Goal 2, Outcome 5; SDGs 1 & 3)
- VI. **Promote Gender Equality and Promote and Protect the rights of Women** (Vision 2030 Goal 1, Outcomes 1, 2 and 4 and Goal 2, Outcome 5; SDGs 3, 5, 10, 16)
- VII. **Protect the Human and Civil Rights of LGBT Jamaicans** (Vision 2030 Goal 1, Outcome 2 and Goal 2, Outcome 5; SDGs 3, 4, 16)
- VIII. **Protect the Rights of Persons who Come in Conflict with the Law** (Vision 2030 Goal 2, Outcome 5; SDG 16)
- IX. **Address Homelessness and Protect the Rights and Well-Being of People who are Displaced and Homeless** (Vision 2030 Goal 1, Outcome 3 and Goal 2, Outcome 5; SDGs 1 & 3)
- X. **Reduce Income Inequality and Secure Economic Justice for All Jamaicans** (Vision 2030 Goal 1, Outcome 3; SDGs 1, 5, 8 & 10)
- XI. **Promote Environmental Protection as a National Priority** (Vision 2030 Goal 4, Outcomes 13, 14 & 15; SDGs 2, 11, 12, 13, 14 & 15)

I. Create and Strengthen National Mechanisms to Facilitate the Enjoyment of Rights (Vision 2030 Goal 2, Outcomes 5 & 6; SDG 16)

- A. Strengthen the infrastructure for protecting rights to information and democratic participation by completing the review of the Access to Information Act.
- B. Strengthen and centralise national human rights protection and promotion strategies by finalising the establishment of a National Human Rights Institution (NHRI) with the necessary budgetary allocation for the successful performance of its functions.
- C. Scale up budgetary allocation to Ministry of Justice to facilitate continued improvement of court management services and to undertake human rights education programmes and other interventions that are critical to secure justice for all persons and reducing crime and violence.
- D. Transform the Jamaica Constabulary Force into a rights-based police service with a commitment to scale up the use of community policing in tandem with traditional strategies.
- E. Take steps to improve the accessibility of key areas of law such as constitutional, criminal, family, labour and some areas of tort law with legal literacy programmes, sensitisation sessions and simplification of legislation.

II. Reduce Stigma and Discrimination and Protect and Promote the Rights of the Most Vulnerable and Marginalised within the Jamaican Society (Vision 2030 Goal 2, Outcomes 5 & 6; SDGs 3, 5, 8, 10 & 11)

- A. Enact comprehensive Anti-Discrimination legislation to protect and promote human rights and ensure equal treatment of all people, especially vulnerable and marginalized groups in all areas of life, including but not limited to employment, education, housing, social protection and provision of services.
- B. Strengthen the National HIV Workplace Policy by improving the monitoring and accountability framework to reduce stigma experienced by people living with HIV (PLHIV) in the workplace.
- C. Protect the rights of the most vulnerable and marginalised by introducing a Model Equal Opportunity and Diversity Policy which promotes equal access to employment, respect, tolerance and equality within the workforce.
- D. Conduct a national human rights campaign to promote respect for and tolerance of all Jamaicans, including those most vulnerable and marginalized.
- E. Improve accessibility of counselling and other psychosocial support for victims of family violence
- F. Prioritise the provision of mental health services, including increasing the accessibility of helpline and other counselling services.

III. Empower People with Disability (PWD) to Achieve Their Fullest Potential and fully Contribute to and Benefit from Jamaica's Development (Vision 2030 Goal 1, Outcome 2; SDGs 1, 3, 4, & 8)

- A. Improve access to education and training, justice, health and other essential services by installing the requisite physical, technological and other infrastructure, including ramps and adaptive technologies in at least three schools and in health centres, courtrooms and key government buildings in every parish.
- B. Improve data collection for people with disabilities, with a focus on access education, training and employment.
- C. Take affirmative action to improve access to employment opportunities within the public sector.
- D. Take immediate policy action to safeguard the rights of people with intellectual disabilities deemed "unfit to plea" who remain incarcerated for protracted periods without ever standing trial.
- E. Within the first year, finalize and approve the regulations to enable the Disabilities Act to be brought into force.

IV. Enhance the Lives of Retired Persons, the Elderly and their Families (Vision 2030 Goal 1, Outcomes 1 & 3; SDG 1 & 3)

- A. Improve care and support for the elderly by ensuring equitable access to community support services such as transportation, home support, proper nutrition and diet, adult day programmes and assisted living.
- B. Improve access to health and other essential services by enhancing outreach services and prevention programmes.
- C. Improve access to social protection and social services available by increasing coverage of pension schemes and providing housing solutions.
- D. Fast track the passage of the National Policy for Senior Citizens to facilitate their broad inclusion in nation-building.

V. Promote and Protect the Rights of Children(Vision 2030 Goal 1, Outcome 3 and Goal 2, Outcome 5; SDGs 1 & 3)

- A. Build and maintain public-private partnerships to fund and implement programmes to address the needs of children and youth who live and work on the street.
- B. Scale up community-based interventions, provision of parenting and life skills training, provision of and access to social protection services, employment training, family reintegration programmes to strengthen families in low-income communities.
- C. Remove children from the streets by introducing a special programme to place all children who live and work on the street in state homes or with a foster parent(s) or reintegrating them with their parents, guardian or family where possible.

- D.** Establish a framework for reducing child poverty by developing targets specific to children and developing child poverty-related indicators and a comprehensive monitoring and reporting system to be led by the ministry with primary responsibility for youth and the Planning Institute of Jamaica.
- E.** Revise and amend key laws and policies such as the Sexual Offences Act, Law Reform (Age of Majority) Act and Child Care and Protection to improve access to sexual and reproductive health information and services for adolescents.
- F.** Establish more Teen Hubs across the island, with a keen focus on rural areas and provide sustainable funding for their programmes and initiatives.
- G.** Create a more inclusive and safe school environment for LGBT youth by reducing homophobic and other forms of bullying, providing human rights sensitisation training for teachers, school administrators, Guidance Counsellors, and assigning social workers to schools.
- H.** Amend the Education Regulations and develop policies to improve the protection and respond to violations of the rights of children in public and private educational institutions.
- I.** Within the first year, amend section 24 of the Child Care & Protection Act so that children are no longer detained for being “beyond parental control” and instead provide psychosocial support for children with behavioural issues.

VI. Promote Gender Equality and Promote and Protect the rights of Women (Vision 2030 Goal 1, Outcomes1, 2 and 4 and Goal 2, Outcome 5; SDGs 3, 5, 10, 16)

- A.** Improve access to sexual and reproductive health services for women, including using a public health approach to design and implement the necessary interventions that help to reduce preventable maternal mortality among women.
- B.** Within the first year, open the long promised shelters for women in abusive intimate partner and family violence situations, ensuring shelters are accessible to all women.
- C.** Scale up the Government response to domestic violence by establishing at least one shelter for survivors in each parish, with adequate staffing, necessary psychosocial support and space for their children.
- D.** Promote gender equity and protect the livelihood of women by enforcing and amending, where necessary, the Employment (Equal Pay for Men and Women) Act 1975 to close the pay gap between men and women.
- E.** Legislate provisions to make paternity leave able for men to support women following the birth of their child.
- F.** Review current conditions of access to the Sex Offenders Registry with a view to empowering institutions to be better able to protect children.
- G.** Take legislatively and programmatic steps to protect the rights of domestic workers, including their right to social protection

VII. Protect the Human and Civil Rights of LGBT Jamaicans (Vision 2030 Goal 1, Outcome 2 and Goal 2, Outcome 5; SDGs 3, 4, 16)

- A.** Improve employability of young, poor LGBT persons by ensuring youth programmes, VCT programmes and other interventions are stigma and discrimination-free, particularly in rural and volatile communities.
- B.** Formalise human rights training for all public sector workers by incorporating such trainings in tertiary training institutions, mandating trainings as part of career development and enhancement workshops for teachers, health workers, soldiers, police officers and other state actors.
- C.** Revise and amend laws which create a barrier for the full participation and inclusion of LGBT persons within society, including, but not limited to:
 - a. Revising sexual offence laws to equalize punishment for rape regardless of the gender of the victim by amending the buggery law and the Sexual Offences Act
 - b. Remove “gay panic defence” found in the common law on Provocation which negatively impacts the right to life of LGBT Jamaicans
 - c. Remove constitutional barriers found in the savings law clauses which limit protection of LGBT Jamaicans.

VIII. Protect the Rights of Persons who Come in Conflict with the Law (Vision 2030 Goal 2, Outcome 5; SDG 16)

- A.** Improve oversight for police lockups and prisons and provide a complaint and accountability framework for breaches of rights.
- B.** Ensure that all detention facilities conform to international standards by, inter alia, addressing issues related to overcrowding, access to hygienic facilities, and access to adequate medical and psychological care.
- C.** Ensure the enforcement of the Child Diversion Act through robust monitoring and accountability systems.
- D.** Improve employability of formerly incarcerated persons by addressing discrimination faced when seeking jobs.

IX. Address Homelessness and Protect the Rights and Well-Being of People who are Displaced and Homeless (Vision 2030 Goal 1, Outcome 3 and Goal 2, Outcome 5; SDGs 1 & 3)

- A.** Reduce the number of people who are homeless by increasing the number of shelters and/or available spaces across the country.

- B. Prevent homelessness among children and youth by implementing interventions that target families and communities in an attempt to mitigate against the risks of them being kicked out of their home or needing to run away.
- C. Protect the well-being of the most vulnerable by making special provisions to facilitate and improve access to social protection and social services.
- D. Make shelters and drop in facilities sensitive to the needs and rights of persons by conducting sensitization training to enable staff and occupants to respect each other and foster a hospitable and respectful environment for all to reside.
- E. Hold caregivers accountable by more strictly enforcing the child abandonment provisions in Child Care and Protection Act 2004.

X. Reduce Income Inequality and Secure Economic Justice for All Jamaicans (Vision 2030 Goal 1, Outcome 3; SDGs 1, 5, 8 & 10)

- A. Equitably share the tax burden by improving tax compliance through integrated systems.
- B. Promote the creative industry and other non-traditional careers as economically viable by incorporating into the secondary school curriculum
- C. Improve access to financing for small business and creatives in the form of grants and lessened restrictions on access to credit.
- D. Accelerate plans to reduce red tape and bureaucracy within government in order to facilitate the removal and reduction barriers for new start-ups and entrepreneurs, particularly MSMEs.
- E. Conduct research into the impact of custom duties on the start-up of new businesses and establishment a consultative process for the revision of custom duties.

XI. Promote Environmental Protection as a National Priority (Vision 2030 Goal 4, Outcomes 13, 14 & 15; SDGs 2, 11, 12, 13, 14 & 15)

- A. Encourage environmentally friendly business development plans by offering tax relief and subsidized loans to young entrepreneurs, particularly rural women who include safe environmental practices in their business plans.
- B. Address environmental abuse by increasing fines for breaches to Jamaican environmental laws to ensure that it does not cost less to break the law; provisions should be made to periodically update regulations to ensure fines are economically relevant.
- C. Improve enforcement of our environmental laws by increasing the number of environmental Wardens and Inspectors.
- D. Improve waste collection and disposal by increasing the allocation of resources for garbage collection and creating a landfill that will reduce negative health impacts on citizens.

ENDORSED BY:

Maria Carla Gullotta
Executive Director
Stand up for Jamaica

Christopher Harper
Executive Director (Interim)
Jamaica Youth Advocacy Network

Renae Green
Associate Director, Policy and
Advocacy
TransWave Jamaica

Kandasi Levermore
Executive Director
Jamaica AIDS Support for Life

Jumoke Patrick
Executive Director
Jamaica Network of Seropositives

Shawna D. Stewart
Co-Director
WE-Change Jamaica