



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
27 September 2022

Original: English  
English, French and Spanish only

## Committee on the Elimination of Racial Discrimination 108th session

14 November–2 December 2022

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

### List of themes in relation to the combined twenty-first to twenty-fourth periodic reports of Jamaica

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

2. Measures taken to ensure that all grounds enumerated in article 1 (1) of the Convention are fully covered in the domestic legal order of the State party, including the Charter of Fundamental Rights and Freedoms. Updated information on the measures taken to incorporate the Convention into the legal system of the State party and to adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, including direct and indirect forms of racial discrimination, covering all fields of law and public life, in accordance with article 1 (1) of the Convention.<sup>2</sup>

3. Updated information on steps taken to re-examine the broad reservation introduced by the State party to the Convention and to withdraw it in order to ensure that the provisions of the Convention are fully applicable in the State party.<sup>3</sup>

4. Updated information on progress made towards the establishment of a national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the necessary adequate financial and human resources, and a specific mechanism for monitoring and evaluating progress in the implementation of the Convention.<sup>4</sup> Information on consultations undertaken with relevant stakeholders, in particular civil society organizations, on the establishment of such a national human rights institution.

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/JAM/CO/16-20, para. 7; and CERD/C/JAM/21-24, paras. 12, 14–18 and 111.

<sup>3</sup> CERD/C/JAM/CO/16-20, para. 6; and CERD/C/JAM/21-24, para. 109.

<sup>4</sup> CERD/C/JAM/CO/16-20, para. 8; and CERD/C/JAM/21-24, paras. 19–20 and 112–113.



5. Information on whether the provisions of the Convention can be directly invoked before domestic courts and, if so, examples of cases where courts have applied the Convention. Updated information on court cases concerning direct or indirect discrimination based on the grounds of race, colour, descent, or national or ethnic origin. Further information on the judicial and non-judicial mechanisms and procedures available for victims of racial discrimination to claim their rights.<sup>5</sup>

6. Measures taken or envisaged to adopt specific legislative, administrative and other measures to give full effect to the provisions of article 4 of the Convention.<sup>6</sup>

7. Updated information on measures taken to increase the visibility of the Convention among the population of the State party and non-citizens and to disseminate information regarding the available protection against and remedies for violations of the Convention. Updated information on the measures adopted to raise awareness of the provisions of the Convention among law enforcement officials and members of the judiciary.<sup>7</sup>

**Situation of ethnic groups, minorities, and non-citizens, including migrants, refugees, asylum-seekers and stateless persons (art. 5)**

8. Updated information regarding the demographic composition of the population, disaggregated by national or ethnic origin, sex and gender, covering also non-nationals, including migrants, refugees, asylum-seekers and stateless persons.<sup>8</sup> Information on measures adopted or envisaged to establish a mechanism for systematic and consistent data collection, based on the principle of self-identification, to assess, on the basis of race, colour, descent or national or ethnic origin, the socioeconomic situation of persons or groups, including persons of African, Indian, Chinese, Middle-Eastern and European descent; of the Maroons; and of non-citizens, such as migrants, refugees, asylum-seekers and stateless persons.<sup>9</sup>

9. Information on measures adopted or envisaged to address differences in socioeconomic well-being reportedly present along race and skin colour grounds, in particular with regard to income, education, employment and hiring practices, and in standard of living, including through the promotion of research on this matter. Further information on the measures to address the situation reported by the State party by which “equating skin colour with opportunities for upward or social mobility remains” in Jamaican society.<sup>10</sup>

10. Information on measures in place to prevent and combat racism, racial discrimination and xenophobia against non-citizens, including through the Internet and social media.

11. Measures adopted or envisaged to repeal and reform legislation that criminalizes irregular migration, such as the Deportation (Commonwealth Citizens) Act of 1942, the Immigration Restriction (Commonwealth Citizens) Act of 1945 and the Aliens Act of 1946. Steps taken to ensure that immigration detention is applied only as a measure of last resort and for the shortest period of time; to include alternatives to detention; and to guarantee due process in all detention procedures. Measures adopted to inform non-citizens, including those in an irregular situation, about the judicial and other remedies available to them in the event that their rights, including those under the Convention, have been violated.

12. Measures adopted to enact legislation on the protection of the rights of refugees and asylum-seekers that complies with international standards, in particular the principle of non-refoulement. Updated information on steps taken to ensure that all migrants arriving at the country’s borders benefit from sufficient procedural guarantees with regard to the consideration of their applications for international protection and to ensure that all asylum-seekers are effectively screened to verify their individual protection needs. Updated information on the measures adopted to issue asylum-seekers and refugees with adequate identification cards to ensure effective enjoyment of their rights. Updated information on

---

<sup>5</sup> CERD/C/JAM/CO/16-20, para. 9; and CERD/C/JAM/21-24, paras. 11, 16, 88, 90 and 114.

<sup>6</sup> CERD/C/JAM/CO/16-20, para. 10; and CERD/C/JAM/21-24, paras. 25–26 and 115–116.

<sup>7</sup> CERD/C/JAM/CO/16-20, para. 9; and CERD/C/JAM/21-24, paras. 11, 16, 88, 91 and 114.

<sup>8</sup> CERD/C/JAM/CO/16-20, para. 11; and CERD/C/JAM/21-24, paras. 4, 9 and 117.

<sup>9</sup> CERD/C/JAM/CO/16-20, para. 11; and CERD/C/JAM/21-24, paras. 4–5, 7, 9, 27 and 117.

<sup>10</sup> CERD/C/JAM/21-24, para. 8.

progress made regarding the waiving of work permit requirements for persons who have been granted refugee status.<sup>11</sup>

13. Information on the measures taken: to prevent and combat trafficking in persons, in particular non-citizens, for the purposes of labour and sexual exploitation, including the development of a comprehensive statistics system and the allocation of adequate human and financial resources to the Office of the National Rapporteur on Trafficking in Persons; to improve the identification of trafficking victims among applicants for international protection, migrants and foreign workers, especially women and children; to provide adequate assistance and rehabilitation services to victims of trafficking and adequate funding for protection services for such victims; to strengthen mechanisms for investigating cases of trafficking and for prosecuting and punishing offenders with sanctions commensurate with the gravity of the crimes; and to strengthen the training of law enforcement officials and members of the judiciary on combating trafficking in persons.

14. Information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-nationals, especially migrants, refugees and asylum-seekers. Measures taken to protect such persons and groups against the effects of the COVID-19 pandemic; to protect them against discriminatory acts and counter hate speech and stigmatization in connection with the pandemic; and to mitigate the socioeconomic consequences of the pandemic for such persons and groups.

#### **Training, education and other measures to combat prejudice and intolerance (art. 7)**

15. Information on steps taken to include, in school curricula and in the training curricula for teachers and other professionals, mandatory programmes and subjects to help promote human rights education, in particular on discrimination on the basis of race, colour, descent, or national or ethnic origin, and on the Convention, in order to promote understanding, tolerance and friendship among the various ethnic groups in the State party, including non-citizens such as migrants, asylum-seekers, refugees and stateless persons.<sup>12</sup>

16. Information on measures adopted to engage with relevant stakeholders, including civil society organizations and academia, on the promotion of understanding, tolerance and friendship among the various ethnic groups in the State party, on racial discrimination, and on raising awareness of the Convention.<sup>13</sup>

---

<sup>11</sup> CERD/C/JAM/CO/16-20, para. 12; and CERD/C/JAM/21-24, paras. 118–124.

<sup>12</sup> CERD/C/JAM/21-24, paras. 7 and 95.

<sup>13</sup> CERD/C/JAM/CO/16-20, para. 13; and CERD/C/JAM/21-24, paras. 2 and 125.