



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

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The Permanent Mission of Jamaica to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to refer to the latter's Note Ageing/2011/CM/JS/is of 23 March 2011, requesting the views of Member States on the situation of the rights of older persons pursuant to resolution 65/182 entitled "Follow-up to the Second World Assembly on Ageing".

The Permanent Mission of Jamaica has the further honour to forward, in this regard the response of the Government of Jamaica on the situation of the rights of older persons in Jamaica.

The Permanent Mission of Jamaica to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.



United Nations Secretariat
New York

New York, 19th April 2011

**Responses by the Government of Jamaica
to questions asked by the Secretariat pursuant to resolution 65/182
entitled Follow-up to Second World Assembly on Ageing**

Question 1: Please provide information on the current situation of the human rights of older persons, including particular challenges and threats that may prevent the full realization of their rights.

There are still many challenges and threats faced by the elderly in Jamaican society. Some of the main challenges are: the higher prevalence of poverty among the elderly, food security, inadequate access to specialized geriatric care, high levels of violence and elder abuse and low levels of social security.

Question 2: Please provide information on existing legislation, policies and programmes to protect and promote the human rights of older persons.

There is no specific legislation in Jamaica geared solely towards the protection of the elderly in Jamaican law. However, the human rights of the elderly as well as all Jamaican citizens are protected by the Jamaican Constitution, Order in Council, 1962. Chapter III of the Constitution protects the following fundamental rights and freedoms: life, liberty, security of persons, enjoyment of property, protection of the law and freedom of peaceful assembly and association. Clause 14 of the Constitution protects the right to life, protection from arbitrary arrest and detention (Clause 15), freedom of movement (Clause 16) and protection from inhuman treatment (Clause 17).

Question 3: Please provide information on existing legislation, policies and programmes to address discrimination against older persons, including measures to address multiple discrimination (e.g. discrimination based on age and gender).

There is currently no legislation in Jamaica which specifically addresses the issue of discrimination against older persons. However, Chapter III Clause 24 (1) of the Constitution seeks to protect all Jamaicans from discrimination. The said clause stipulates as follows:

“No law shall make any provision which is discriminatory either of itself or in its effect.”

In the said clause, discrimination means *‘affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed.’*

Jamaica’s policy in respect of the elderly is set out in the publication entitled ‘National Policy for Senior Citizens.’ It is recognized that all aspects of the policy in respect of the elderly must take into account gender equality and the fact that women represent the larger proportion of the senior citizens population and that older women generally have a lower socio-economic status than older men. One of the fundamental goals of the national policy is to devise strategies and

programmes to promote positive images of senior citizens and to combat negative age stereotypes and age discrimination. This policy of non-discrimination extends to the accessibility of services. The policy states that there should be no discrimination in the availability of services.

Question 4: Please provide information on existing legislation, policies or programmes to address violence and abuse against older persons in the private and public spheres

Violence and abuse of the elderly is a scourge which must be addressed. One of the goals of the National Policy is to ensure that older persons are protected from violence and abuse.

There is no distinct legislation which protects the elderly from violence and abuse. However there are several legislative provisions in Jamaica which seek to protect the vulnerable including the elderly from violence and abuse. Some of these provisions are: the Domestic Violence Act, the Offences Against the Person Act and the Sexual Offences Act. The Domestic Violence Act *inter alia* protects prescribed persons such as parents if the Respondent threatens violence against or has caused physical or mental injury. The Offences Against the Persons Act imposes stiff sanctions against persons who commit violent/serious offences such as murder, arson and sexual offences. The Sexual Offences Act protects individuals from offences such as rape and grievous sexual assault.

Question 5: Please provide information on existing legislation, policies and programmes addressing old- age sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education.

Health care

One of the main objectives of the National Policy with respect to health is that it is to be ensured that primary health care is available, accessible and affordable to senior citizens.

The legislative framework in respect of health care is set out in the Health Care Services Act, and the National Health Services (Fees) Regulation. The National Health Services (Fees) Regulation effectively abolished user-fees at public health facilities for public patients. Accordingly citizens are provided with unrestricted access to basic health services including primary and secondary health care, emergency outpatient treatment, surgical operations, hospitalization and in patient medication supplies. The positive impact of the abolition of user fees on the level of health care accessible to the elderly cannot be overemphasized. The implications for senior citizens are that health care has become more accessible and affordable and these benefits are given both in the public hospitals and other public health facilities such as clinics. Additionally, this measure increases access to care for senior citizens who are poor as well as for those who live in rural areas.

In the National Policy it has been pointed out the major health issues faced by the elderly in Jamaica are those associated with increasing levels of chronic disease particularly hypertension, diabetes and arthritis and the increasing cost of medical care such as obtaining medications. In an effort to combat these challenges the Government has introduced two main programmes with the main objective of ensuring that the elderly are able to access the medication needed to treat the chronic diseases associated with ageing. The Jamaica Drugs for the Elderly Programme (JADEP), and the National Health Fund (NHF) are two programmes through which the elderly can obtain health cards which assist in defraying the high cost associated with obtaining medication.

JADEP is a public-private sector collaborative effort which was launched by the Ministry of Health in 1996. The programme is now managed by the National Health Fund which is an entity of the Ministry of Health. The object of the JADEP Programme is to assist the elderly to access essential drugs through payment subsidies for persons suffering from ten (10) chronic illnesses/diseases such as hypertension, diabetes, glaucoma, cardiac disease, vascular disease, arthritis, asthma, psychotic conditions, benign prostrate hypertension and high cholesterol. This assistance is provided through payment subsidies for Jamaican residents who are 60 years and older. In effect the elderly are provided with greater access to medical services and prescription drugs which reduces their expenditure on medication. Through this long term initiative, senior citizens save thousands of dollars on their prescription drugs by using the JADEP Membership card. With the JADEP card it only costs \$J40 Jamaican Dollars for one item on their prescription, \$J80.00 for two items, \$J120.00 for three items, \$J160 for 4 items, \$J200.00 for 5 items and \$J240.00 for 6 items.

Senior citizens in general and those who are also members of the JADEP Programme can also benefit under the National Health Fund. The National Health Fund Act governs the administration of the NHF. The principal objectives of the NHF are to -

- (a) provide prescribed health benefits to all residents, regardless of age, gender, health or economic status;
- (b) provide greater access to medical treatment and preventative care for specified diseases and specified medical conditions;
- (c) secure improvement in the productivity of residents by reducing time lost on the job that is attributable to personal and family health care problems;
- (d) reduce the Island's disease burden through health promotion and protection programmes; and
- (e) provide support to health services and promote and encourage the utilization of primary health care to improve the quality of life of the Island's population.

One of the main functions of the Fund is to implement a national health insurance plan. The NHF provides assistance to individuals to purchase specific prescription drugs used in the treatment and management of designated chronic illnesses. The NHF covers more chronic conditions than JADEP and carries a wider range of drugs. The NHF also serves the purpose of promoting health awareness in Jamaica as senior citizens are adequately informed of the best health practices and how to improve and maintain a healthy lifestyle.

The major diseases covered by the NHF are: Arthritis, Cancer of the Prostate, Diabetes, Glaucoma, High Cholesterol, Hypertension, Ischaemic Heart Disease, Major Depression, Heart Disease and Vascular Disease.

Long-term care and Old-age sensitive services and facilities

One of the objectives of the National Policy is to ensure that the accessibility and mobility of the elderly are enhanced in all situations. Consequently buildings are to be made accessible through the provision of ramps and rails to staircases. Additionally services for senior citizens should be located on the ground floor when no elevator is available and the doors in these buildings should accommodate wheelchairs.

With reference to long term care, the National Council for Senior Citizens is a member of the committee spearheaded by the Ministry of Health that makes decisions regarding the monitoring and standards of Residential Care Facilities for senior citizens. As an outcome of advocacy, special lines are designated for senior citizens in banks and customer services areas of many agencies/organizations. Additionally access to Public Buildings has become more senior friendly and Senior Citizens are able to access concessionary rates on Government owned/operated buses in the Capital city (Kingston), Montego Bay and along certain routes that extend into suburban areas.

Regarding the United Nation's Millennium Development Goals, the Ministry of Health through the Office of the Chief Medical Officer has embarked upon the rehabilitation of over 156 health centres island wide as well as the purchasing of much needed equipment which will enable senior citizens to comfortably access the services available at primary health care facilities.

Adult and Continuous Education

The National Policy shows that the Government recognizes that the continued education of the elderly is of paramount importance. One of the objectives of the National Policy is to educate senior citizens on new developments which will increase their ability to take part in family activities and improve their functional independence and quality of life. One strategy for fulfilling this objective is the provision of continuing education and retraining opportunities for senior citizens.

In an effort to fulfil this policy objective the National Council for Senior Citizens provides opportunities for skills training, Basic Computer Training, participation in Seniors Spelling Bee and Bible Quiz competitions for the elderly. Additionally the Council holds seminars and workshops which provide vital information on health issues and other matters which address the needs of the elderly.

Question 6: Please provide information on existing legislation, policies and programmes concerning social protection measures as well as right to work and right to social security with regard to older persons.

The Ministry of Labour and Social Security administers social protection and social security legislation, policies and programmes with regard to older persons.

The National Insurance Act and Regulations of 1965 regulates the administration of the National Insurance Scheme (NIS), a social insurance scheme which includes pension and other benefits for older persons. Benefits which are accessible by older persons include retirement benefits and a benefit for persons born before January 1, 1908 – which is targeted to capture all centenarians as at January 1, 2008.

All pensioners are also beneficiaries of the NIGOLD Health Plan for NIS Pensioners, which provides assistance with medical expenses.

The Programme of Advancement Through Health and Education (PATH) is a proxy means tested social assistance programme which includes the payment of a social pension for older persons in selected households.

The Ministry also administers the country's labour laws, which though not specifically targeting older persons, includes provisions for the right to work of all citizens.

Question 7: Please provide information on existing legislation, policies and programmes to systematically collect, update and analyze information disaggregated by age.

In the National Policy it is expressly stated that a comprehensive reliable database is an essential prerequisite for the national strategy and that it should be ensured that national data sets include information which is gender and age specific and that the information is available.

Social data disaggregated by age is systematically collected in Jamaica. Through the annual Jamaica Survey of Living Conditions, demographic and household information, consumption expenditure, education, health, social protection and housing data are collected in a household survey. Every ten years there is a national Population Census, which also affords data disaggregated by age. There is therefore a wide range of analysis that can be conducted on the elderly and other populations, using these primary survey datasets. In addition, there is an annual Economic and Social Survey that provides a compilation of secondary data on economic sectors and social development issues. Primary data is also collected quarterly and annually on labour force, employment and earnings, and demographics within the population. The routine collection of data forms part of the mandate of the Statistical Institute of Jamaica, and the Planning Institute of Jamaica, both established by Acts of Parliament in 1984.

Question 8: Please provide information on existing legislation, policies and programmes to enhance participation and active engagement of older men and women in community, political and cultural life.

There are several programmes which seek to include the elderly in community life. For example in Community Involvement Projects (administered by the National Council For Senior

Citizens) the elderly are involved in activities that benefit the entire community such as: the beautification of green areas or parks, the preservation of the environment by collecting plastic bottles to be recycled, partnering with other groups to clean up the beach front, painting of Basic Schools within their respective communities and participation in the mentoring and homework programmes.

Additionally several activities have been introduced to ensure that senior citizens participate in cultural life. Some of these activities include: oral history and storytelling at schools and libraries, participating in cultural expositions which includes performances demonstrating the historical evolution of Jamaican music and dance and imparting knowledge about folklore and cuisine.

Question 9: Please provide information on existing legislation, policies and programmes to ensure access to justice and judicial remedies for violations of the rights of older persons including references to specific mandates of institutions such as national human rights institutions to address their rights.

While there are no existing legislation, policies or programmes specifically targeting older persons, older persons are ensured access to justice and judicial remedies for violations of their rights, including references to specific mandates of institutions such as national human rights institutions to address these rights.

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19 April 2011