JAMAICA AND CEDAW: THE NGO PERSPECTIVE

ALTERNATIVE COUNTRY REPORT

(JAMAICA)

TO CEDAW

Submitted by

Association of Women's Organizations in Jamaica

(AWOJA)

To Be Presented At

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Coalition for Community Participation in Governance

Combined Disabilities Association (CDA)

Fletcher's Land Parenting Association

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INTRODUCTION

This Shadow Report looks at the workings in Jamaica of the Convention on the Elimination of All

Forms of Discrimination Against Women (CEDAW), from the viewpoints and experiences of Non-

Governmental Organizations in Jamaica. The Report seeks to document the existing conditions and

needs of women in relation to the Articles of CEDAW, and the ways in which NGO activities are

contributing to the advancement of women and the elimination of all forms of discrimination

against women. The Report also examines and reports on the ways in which Governmental commitments to CEDAW are being implemented.

The thrust of this Report is to identify issues and problems of women and gender in ways which

lead to manageable solutions. It is our view that in a situation of many challenges to Jamaican society

- economic challenges, high rates of homicide, crime and violence, and many other challenges to the

building of a stable and successful society - specific policies for women have not always been viewed

as top priority. However, we contend that improvements in the conditions of women will produce

real benefits in terms of improved family life and stable living and working conditions for so many

of our women who are both heads of households and active breadwinners.

Women also present a most important channel for effective socialization of the next generation, and

therefore a special focus on the conditions of women will produce widespread results in building a

more stable and more successful society.

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GDP Growth Rate, 1993 - 2002
-2
-1.5
-1
-0.5
0
0.5
1

1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Years Percent

GDP Growth

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Articles 1 and 2: Defining Discrimination, and Governmental Obligations to Eliminate

Discrimination

A critical issue raised by the CEDAW Committee (February 2006), in their response to Jamaica's

latest periodic report, was the fact that the Jamaica Constitution does not prohibit discrimination on

the grounds of sex. Chapter 3, Section 13 of the current Constitution states that the rights and

freedoms of individuals are guaranteed to every individual, "whatever **his** race, place of origin,

political opinions, colour, creed or sex." However, legal analysts point out that this is merely a

declaration. The section which legally protects against discrimination is Chapter 3, Section 24, which

defines "discriminatory" as "different treatment to different persons .. attributable to .. race, place of

origin, political opinions, colour or creed..." Discrimination by sex is not mentioned.

This issue has been raised many times by interest groups in Jamaica. The reasoned response of the

Jamaican Government over many years has been that there is a collection of issues which require

Constitutional amendment, and that it is preferable to undertake one major amendment exercise

rather than piecemeal procedures. Thus, after an initial Constitutional Reform discussion from as far

back as 1977, in 1991 a Parliamentary Joint Select Committee on Constitutional and Electoral

Reform was established, which led to the setting up of a Constitutional Commission in 1992. This

Commission was intended to consolidate all the issues for revision and amendment. The Commission reported to Parliament in 1993 and a Joint Select Committee was re-established which

finally reported in 1995. In 1999 a Charter of Rights and Freedoms, representing a total revision of

Chapter 3 of the Constitution, was introduced in Parliament and a revised version of Chapter 3 was again re-submitted to Parliament in 2002.

The above activities have led to the current Bill of the Charter of Rights and Freedoms and connected matters thereto which is still awaiting enactment. In this Bill is the following proposed amendment:

- "All persons shall have the right to freedom from discrimination on the ground of (i) sex, that is to say male or female;
- (ii) race, place of origin, social class, colour, religion or political opinions."

 According to one legal expert, "There is no possibility of ascertaining when the enactment procedures will be completed as both Government and Opposition must be largely in agreement in order to meet the special procedures required by the Constitution for the passage of such a Bill..

Recommended Measures

Our recommendation, based on extensive discussion, is that Government should act decisively to identify those amendments which are non-controversial and which may be relevant to their international commitments such as CEDAW, and enact those amendments, with bipartisan support.

Such action would redound to the credit of the Government and of Parliament as a whole. Then, working to a rigid time table, they should attempt to resolve the controversial components of the Bill and complete the Constitutional Amendment exercise now almost 30 years old.

Article 2: Obligation to take all appropriate measures, including legislation, to modify or abolish laws, regulations, customs and practices which constitute discrimination against women.

We commend the Bureau of Women's Affairs for its initiative in commissioning the comprehensive review of legislation, as outlined in Jamaica's 5th Periodic Report, which covered 42 Acts of Parliament which are discriminatory and/or archaic in some of their provisions. In 2005, some information from this review was published by an NGO Advocacy Project as a Reference Guide

(Chambers, 2005), and AWOJA is currently planning an advocacy initiative to the relevant authorities to "tidy up" these laws. Some of these laws portray women as inherently subordinate, or prone to imprudence or impiety. Some create gender-based disparities in parental rights and responsibilities. A few, while not in themselves discriminatory, may create potential hardships for women or fail to give sufficiently strong protection to women's needs and interests. In our view, the amendment of these laws is an eminently achievable task and indeed would be a popular activity. All it needs is a concerted effort from the appropriate authority.

Of the Acts reviewed as outlined above, only the Domestic Violence Act and the Maintenance Act have received attention.

The Domestic Violence Act was amended in December 2004, embodying specifically those amendments which had been suggested by AWOJA through its legal committee, from the first tabling of the Bill in Parliament in 1995. The amendments, inter alia, clarified the definition of "child" and "dependents". It also increased the range of persons who can make applications to the Court and it added persons in visiting relationships to those who can apply for protection. It added the offence of damaging personal property to the types of conduct which are proscribed under the Act. It also enabled the Court to deal with the issue of maintenance of children at one and the same time as the issue of granting protective relief

under the Act. The only amendment suggested by AWOJA which was not accepted and put in the amending Act was that spouses be made compellable witnesses in domestic violence proceedings.

The Maintenance Act 2005 came into effect in December 2005. The Maintenance Act provides for the complementary obligation of both spouses to maintain each other in case of need and to provide maintenance for their children, and provides that agreements can be made by spouses to determine their respective shares of property and their respective obligation to maintain themselves and their children (and parents and grandparents).

Other legislation to protect the rights of girls and women

The Child Care and Protection Act which was passed and put into effect in March 2004 contains provisions for mandatory reporting by listed professionals who in the course of the discharge of their duties obtained information which ought to reasonably cause them to suspect that a child has been, is being or is likely to be neglected, abandoned or physically or sexually ill-treated or is otherwise in need of care and protection. The Act also requires any person who has information which causes that person to suspect any of the above, to also make a report. These reports are to be made to the Children's Registry in which a Children's Register of such complaints shall be kept. To the date hereof, no Children's Registry has been established. In addition to this failure to implement this vital part of the Act which would provide protection and relief for the girl child who is a victim of abuse, the Office of the Children's Advocate provided for under the Act was also not established until February 2006.8

This piecemeal implementation of the Act demonstrates in our view some inattention or lack of prioritization in providing the fullest legal protection of children as was envisaged in the Act. Regulations which are required by the Act to be promulgated for its implementation of various particulars have not yet been promulgated. There are other weaknesses and gaps in the Act which we hope the Children's Advocate will recommend to Parliament for amendments in her first Annual Report.

The Incest Punishment Act Bill 1995 and the Bill to Amend the Offences Against the Person Act 1995, which had been tabled in Parliament in 1995 and sent to Joint Select Committee for discussions and recommendations, remained in limbo when the discussions were adjourned in 1995.

Since then, numerous calls have been made on government to put back these Bills on the legislative calendar, so as to modernize the laws relating to rape and other sexual offences. In July 2006, in response to serious public concerns over extreme physical and sexual violence to women and children of both sexes, the two above bills have been re-introduced into Parliament. These Bills will now again go before a Parliamentary Joint Select Committee. Over the years, many non-governmental organizations and Trade Unions, among other groups, have held seminars and drawn attention to sexual harassment. There is no Sexual Harassment legislation, and in the absence of such legislation it is difficult to document how widespread and how damaging persistent sexual harassment can be. Currently, a Policy on Sexual Harassment is being discussed, but most activists would prefer to see efforts at legislation.

Recommended Measures:

We strongly urge Government to set up a focal legal person or entity to accelerate human rights legislation, especially legislation affecting women as outlined above, and also to focus on Government's compliance with international treaties, especially treaties like CEDAW.

The Bureau of Women's Affairs also needs a permanent Legal Advisor/Gender Specialist whose focus will be on CEDAW and state obligations to CEDAW.

We recommend that Government should seek to develop legislation against Sexual Harassment.

Article 3: All appropriate measures, including legislation, to ensure the full development and advancement of women.

Article 4: Temporary special measures aimed at accelerating de facto equality between men and women, and the protection of maternity.

The government must be commended for passing, in March 2004, the Property (Rights of Spouses) Act 2004, although there was quite a delay in that the Act was only brought into effect on 1st April 2006. The Property Act was passed to provide for more equitable division of family and other property between spouses if there is a breakdown of their union. Spouses include married persons and those in common law relationship of at least 5 years continuous cohabitation of single persons.

The Maintenance Act 2005 came into effect in December 2005. The Maintenance Act inter alia provides for a complementary obligation of both spouses to maintain each other in case of need and

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to provide maintenance for their children. Spouses bear the same meaning in this Act as in the Property (Rights of Spouses) Act 2004. Both Acts provide that agreements can be made by spouses to determine their respective shares of property and their respective obligation to maintain themselves and their children (and parents and grandparents).

The government also must be commended for two recent policies which contribute to the advancement of women:

One is the Programme for Advancement through Health and Education (PATH) which is a "conditional cash transfer" programme which provides welfare benefits to poor families with children, to pregnant and lactating women, and to the elderly. Like other similar programmes in Latin America, these welfare payments are disbursed to the responsible female member of the household, unless there are no females resident in the household. This action is also supported by research based on the Jamaica Survey of Living Conditions, which demonstrated that where females control the household income, children display better short-term health status and school enrolment rates, and are less likely to participate in child labour (Handa, 1994).

A second policy relating to women is the recent "Uplift Jamaica" programme, a Governmental works programme which targets a female proportion of 40% in its labour force.

Article 5: Measures to modify social and cultural patterns of conduct so as to eliminate

stereotyped roles for men and women.

All our discussants agree that that the social and cultural patterns of conduct of men and women in

Jamaica, especially those relating to stereotyped sex roles, are a key element - a bedrock element -affecting the conditions of women in Jamaica.

In 2005, an Evaluation of the Inter-Agency Campaign on Violence Against Women and Girls (November 1998 - November 2001) listed the following key components linked to violence against women in Jamaica, based on research and interviews:

1. The assumed superiority and dominance of males.

- 2. Breakdown of families and family values, perhaps one of the causes of sexual dependency by girls on older men.
- 3. Socialization of women to tolerate violence, a lack of socialization of boys towards healthy relationships with females, and the normalization of sexual harassment.
- 4. Cultural practices, including:
- (a) The pattern of having multiple sexual partners;
- (b) Myths and misconceptions such as sexual intercourse with virgin girls as a treatment for HIV/AIDS and other STIs, plus the practice of seeking young girls as sexual partners in the belief that they are less likely to be HIV/AIDS carriers.

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- 5. Economic reliance by women on men, based on female poverty and women's lack of alternative sources of income.
- 6. Institutional factors such as:
- (a) Lack of organized institutional support for women;
- (b) An inefficient justice system, "where women are doubly victimized while the perpetrators of violence go home free." (Quote from a victim).
- (c) Religious teachings which continue to oppress women.

The Evaluation identified above actually listed 25 critical causes of violence against women, but the ones presented above are enough to indicate the possibilities for current concerted action to improve the underlying stereotyping which so deeply affects the conditions of women. The Inter-Agency Campaign was designed as a one-year programme, 1998-9, with collaborating agencies as listed below. Due to organizational problems, the campaign actually lasted three years, from 1998 - 2001, with significant breaks in the programme of activities from time to time.

COLLABORATING AGENCIES IN THE CAMPAIGN Initiating Funding Implementing

United Nations Development

Programme (UNDP)

UNDP

Canadian International

Development Agency (CIDA)/

Canada/Caribbean Gender

Equity Fund (CGCEF)

AWOJA

Bureau of Women's Affairs

(BWA)

Women's Media Watch,

Jamaica (WMW)

Executing Agency UNIFEM SISTREN Theatre Collective

Planning Institute of Jamaica

(PIOJ) for Government of Jamaica

United Nations Volunteers

(UNV)

Woman Inc.

UNICEF Centre for Gender and

Development Studies, UWI

(CGDS)

Royal Netherlands Embassy Collaborating

Royal Netherlands Embassy Fathers Inc

Teens In Action

Some of the target groups addressed were:

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- Police
- Judges and other members of the judiciary
- Parliamentarians
- Ministers of Religion
- Churches and Para-Churches island-wide
- Women and men in selected inner-city communities
- Teenagers in High Schools and in selected Government Homes of Safety
- Household Workers
- Media Workers
- Health Workers

Campaign activities were mainly media messages, workshops and seminars with the various target groups as listed above, including drama in education, community animation and other popular techniques.

In spite of the fact that this campaign lasted over a significant time span, the conclusions of the Evaluation were that

- such an activity required a much more continuous and durable campaign
- there was a need for the campaign to better address the root causes of sex stereotyping in Jamaica
- there was a need for more involvement of men and men's groups
- a long-term media campaign would have required much more substantial funding.

The Evaluation also identified several activities which specific agencies, mainly Woman Inc., Women's Media Watch and the Bureau of Women's Affairs, have continued after the end of the campaign.

In general, however, the Evaluation concluded that while short-term objectives of communication and sensitization may have been achieved, the long-term goal of eliminating violence against women and girls could not have been adequately addressed. This required a much bigger effort and more systematic interventions to achieve prevention and permanent behaviour change.

The above is a case study of a sporadic attempt to address one of the fundamental issues in Jamaican gender relations, an area on which the CEDAW Committee specifically requested information.

An NGO initiative to address gender stereotyping: Impact Assessment of a Women's Media

Watch/UNIFEM Project, 2002.

From January to December 2002, Women's Media Watch implemented project activities under the

UNIFEM Trust Fund for Action to Eliminate Violence Against Women.

The objectives of the project were to mainstream gender awareness and to highlight the link between gender ideologies and violence against women. The specific activities of the project were centred on developing media awareness and advocacy, offering gender sensitivity training, and

conducting violence prevention workshops with youth.

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Evaluation indicated ongoing media respect for and attention to the gender education and lobbying

conducted by WMW. Gender sensitivity work with teacher trainees and other groups was evaluated

as heightening awareness and being useful for classroom activities after graduation.

However, to

create lasting change, participants thought that they needed longer and more intensive training. They

also wanted more focus on male issues.

Gender and violence prevention workshops, directed towards young persons in residential institutions and in communities, were well received, and generated increased awareness and even

activism against gender violence in their own families, communities, and peer groups. Again, all

participants noted the need for follow-up activities and ongoing reinforcement.

The limited resources of a small NGO were heavily strained by this project.

Demands of the Women's Manifesto, 2002

In the Jamaican media in 2002, a series of incidents of gang rape and murder were reported. It was a

disturbing trend of increased sexual exploitation and violence towards women. A number of civil

society organizations and women's rights activists came together to draw attention of the media and

Jamaica as a whole to the issues of gender and power: the extent to which community violence was

being acted out through attacks on women and children.

Because the national election campaign was underway, there arose the idea of a Manifesto which all

election candidates would be asked to endorse and incorporate in their party platforms. The Manifesto demands may be grouped into five broad areas: (Chambers, 2005)

1. Demanding State intervention to counteract or prevent rape and other sexual crimes, and to

provide victim support;

2. Emphasizing the need to counteract, through public education and media policies, negative

perceptions and portrayals of women, sex and violence;

3. Demanding financial, policy and programme support for activities relating to gender equality and

human rights;

4. Requesting attention to associated developmental issues such as women's access to power and

political participation, female unemployment, and access to water and sanitation;

5. Emphasizing the need for Government to pass pending legislation and to fulfill its commitments

to international Treaties and Conventions.

The Manifesto, signed by 26 activist organizations, was presented to all the political parties and

gained some support, especially from female candidates. But it did not become a central election

issue. After the election, there was insufficient NGO capacity to maintain the necessary advocacy.

Nevertheless, the issues are still timely and relevant, having surfaced most recently in the Amnesty

International report, "Sexual Violence Against Women and Girls in Jamaica", June 2006.

The Media, Gender and Violence

Research studies on television, newspapers, and radio indicate a quantitatively high level of violence

in much of the local media. Further, the way violence is presented promotes violence as "normal" or

"justified", and shows violence in a way that seems appealing to youth. Perpetrators of violence are

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often presented as young males, remorse is rarely shown, and non-violent or non-aggressive ways to

resolve conflicts are not shown. (Women's Media Watch, 1998 and 2000)

Recommended Measures

Gender stereotypes and "hegemonic masculinity" are not carved in stone. There are enormous

opportunities to change existing cultural practices through education and through participatory

learning. The recommendations listed here prioritize the demands of the Women's Manifesto, in

four broad groupings:

1. Public Education and Public Order

1.1 Immediately introduce a state-funded public education programme aimed at preventing rape

and sexual crimes.

1.2 Introduce, within one year, a long-term national campaign to improve values and attitudes, and

to eliminate commonly believed and negative gender stereotypes. This national programme should include rape prevention awareness training in schools.

1.3 Give urgent attention to the implementation of the new Broadcasting Code and take other

measures to protect citizens including children from harmful media portrayals of violence, sex

and gender stereotypes.

1.4 As of the next financial year, establish clear budgetary allocations for programmes geared to

end gender-based violence, to be implemented by the State and by civil society.

2. Governance

2.1 Appoint a Minister with sole responsibility for Women's Affairs, in order to give these issues

the attention they deserve; allocate resources adequate to the effective functioning of such a Ministry; appoint a broad-based National Commission on Women to advise the Minister.

- 2.2 Conclude the work to establish the Gender and Social Equity Commission.
- 2.3 Pass, with wide consultation, the following Bills which have been stagnating in the Parliamentary

process:-

- The Offences Against the Person Act Bill (recently re-introduced in Parliament)
- The Incest (Punishment) Act Bill (recently re-introduced in Parliament)
- The Sexual Harassment Bill
- The Charter of Rights and Freedoms Bill (currently before a Parliamentary Joint Select Committee).
- 2.4 Ratify the Convention of Belem do Para (The Inter-American Convention on the Prevention,

Punishment and Eradication of Violence Against Women) - (Jamaica became a State Party to the Convention in December 2005)

2.5 Sign the Optional Protocol to CEDAW, and implement the requests of the CEDAW 14

Committee submitted to the Government of Jamaica in January 2001.

3. Community Services in Relation to Violence

3.1 Immediately establish an emergency telephone line direct to the police, similar to Crime Stop,

where persons can confidentially report threats and crimes of sexual violence against themselves and others.

3.2 Establish, within two years, a network of **16 shelters** (one in each parish and two additional for

the Kingston Metropolitan Area) to provide for victims and persons threatened with crimes of

sexual violence.

3.3 Employ and train more Community Development Officers, Social Workers and Counsellors to

work in communities.

4. Advancement of Women

4.1 Take affirmative action to increase the level of women's participation in politics and decisionmaking

to 40%. This should be reflected in the Senate and in the fielding of female candidates in Local Government elections as well as on the Boards of State-owned enterprises.

4.2 Given that female unemployment continues to be twice that of males, take concrete steps to

increase women's gainful employment, thus reducing their vulnerability.

4.3 In order to enhance the dignity of living of the Jamaican family, accelerate the implementation

of a feasible plan which will allow access to water and sanitation for all within the next five years.

Article 6: Measures, including legislation, to suppress all forms of traffic in women and

exploitation of the prostitution of women.

Over the past two years Jamaica has received a wake-up call on the trafficking of persons, both

within the country and internationally. In 2005 Jamaica was placed on Tier 3 of the United States

ranking of countries experiencing human trafficking, and in 2006 this ranking was upgraded to Tier

2 Watch List. Currently, the extent and scope of trafficking is being locally assessed. (U.S. State

Department Trafficking in Persons Report, June 2006). A few NGOs are active in research and in

public education about the problem of trafficking.

There are also public concerns about a growing but largely hidden pornography industry, including

child pornography, and about the increase in "massage parlours" and places of exotic entertainment

which employ young women.

The Child Care and Protection Act is the only law in Jamaica which explicitly prohibits trafficking or

sale of children. The relevant section (Section 10) merely states that no person shall sell or participate in trafficking of any child. It does not define trafficking even though this is its first and

only usage in any law in Jamaica.

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Recommended Measures

It is noted that the Bill to amend the Offences Against the Person Act 1995 is now being put back

on the legislative calendar. It is hereby recommended that the old provisions therein, which relate to

the procurement of any girl or any woman for purposes of prostitution or unlawful carnal knowledge or to be an inmate of a brothel, and with threats, intimidations, false pretences or representations within or without Jamaica, should be amended to clearly deal with the offence of

trafficking in persons for sexual purposes. It is also recommended that these offences, unlike the

existing ones which are misdemeanours, should be made felonies and bear appropriate penalties as

opposed to the minimal existing ones of a maximum of three years in prison.

Public awareness and alert monitoring of the sex industry by Governmental authorities are necessary.

Article 7 - Measures To Eliminate Discrimination Against Women In Political And Public

Life

Since 1992, one Non-Governmental Organization, the Jamaica Women's Political Caucus, a nonpartisan

body originally launched by the St. Andrew Chapter of Business and Professional Women, has been implementing programmes in the following areas:

1. Public education to encourage women to become involved in frontline politics and to encourage

greater acceptance of female politicians in society.

- 2. Training for aspirants to political office, through its Institute For Public Leadership (IPL).
- 3. Financial contributions for female candidates for election, through its Candidates' Fund.
- 4. Active campaigning for gender issues to be accorded high priority in Government plans and

programmes.

Statistics over the past decade, however, reveal a vastly increased number of women candidates

running in elections but limited numbers actually gaining elected positions.

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Parliamentary General Elections

Total No. of No. of Females

Parliamentary Female Elected (% of

Year Seats Candidates All Parliamentarians)

1993 60 14 7 (12%)

1997 60 32 8 (13%)

2002 60 28 6 (10%)

Local Government Elections

Total No. of No. of Females

Local Government Female Elected (% of

Year Divisions Candidates All Councillors)

1990 187 48 24 (13%)

1998 227 118 58 (21%)

2003 227 114 27 (12%)

It is noted that although larger numbers of women are competing to be political representatives,

their successes are limited. Of particular note is the very limited success of women in Local Government elections in 2003, compared with the previous period. No studies are known to us as

to why the sudden decline.

From a community workshop in 1999, the Jamaica Women's Political Caucus reported the following

public viewpoints:

- Women yield power to men for economic reasons and for a less contentious life.
- Women do not take other women seriously as leaders; men get more respect. Women are very hard on women leaders.
- Women perceive that women do the heavy groundwork but men assume the leadership roles.
- Education and religion teach women to put men on top. Women learn this and believe that this is right.
- Women in politics have to make large sacrifices in terms of their personal and family lives. (JWPC Ten-Year Report, 2003).

The JWPC established its Candidates' Fund because they believe that women candidates are not

perceived as being profitable to the "old boys' club" of the business community, hence they do not

attract large campaign contributions.

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The JWPC also notes that culturally, there are heavy demands on political representatives to pay for

social services for constituents - funerals, school fees, medical treatment, housing and other crisis

financing – because of the lack of social services and an inadequate social safety net. Women are

viewed as having less access to sources of funds for social welfare distribution.

Special Measures aimed at accelerating de facto equality

The Jamaica Women's Political Caucus (JWPC), with the support of two female and one male

member of the Senate, is in the process of putting forward a Resolution asking for legislation setting

quotas of 30% female candidates in Jamaican elections. The plan is to seek party support to implement such quotas at that level. In this regard, JWPC plans to work with women's groups and

the Bureau of Women's Affairs (which has a representative on JWPC) to disseminate information

that will ensure support for its advocacy for quotas. This campaign will also link with those women's

groups already working to inform grass roots women about CEDAW and other relevant protocols

signed by the Government of Jamaica. Linking this with information about social services and

benefits available serves to make the information more immediately relevant to women. A copy of the RESOLUTION is attached below.

List of issues and questions with regard to the consideration of periodic reports, in relation

to Article 7

Section 13: The reasons why the Government is not making use of temporary special measures in

line with article 4, para.1...

- 1. Gender equity is not seen as a priority the problems of crime, violence, poverty, political tribalism and social instability take precedence and the effect of gender inequity on these problems is
- not properly analysed and considered.
- 2. Women's groups, which must take the lead in advocating for gender equity measures, are not

well organized into an effective lobby group. The Bureau of Women's Affairs has been involved in

programmes aimed at economic empowerment at the local level, but has not mobilised women

across the society to lobby for policies and practices necessary to move gender equity forward. Nongovernmental

organizations (NGOs), such as the Association of Women's Organisations in Jamaica (AWOJA) are resource starved and, therefore, unable to complete the necessary groundwork of

sensitising women, as well as men, about the relationship between gender inequality and the problems that affect their daily lives, like poverty and violence – though these groups have tried and

managed to generate advocacy about issues such as gender based violence.

Government initiatives aimed at influencing policy at the highest level, like the establishment of a

Social and Gender Equity Committee about a decade ago and, more recently, the formation of the

National Gender Equity Committee, have not moved further than the discussion stage, and they

have not seen political decision-making as paramount among the areas for gender equalization. Civil

society recognizes, however, that united lobbying from interested groups is necessary to move

forward.

In the meantime, JWPC continues to encourage, train and give financial support to candidates and

aspirants for political office. With the recent election of the first female Prime Minister, women have

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been energized and motivated to seek political office, and the need to increase the cadre of women

in governance has been given more prominence.

RESOLUTION TO ESTABLISH A THIRTY PER CENT QUOTA SYSTEM FOR WOMEN IN PARLIAMENT AND LOCAL GOVERNMENT

Recognising that there is a direct correlation between the type of electoral system practised in any

country in the world and the advancement of women in representational politics; and Recognising that the system of "**First Past the Post"**, practised in Jamaica since Universal Adult

Suffrage in 1944, makes it difficult for women who aspire to enter front-line politics; and Recognising that there are other systems that facilitate greater representation of women in Parliament and Local Government; and

Recognising that the process of constitutional change to facilitate gender equity in political representation may take some time; and

Recognising that quota systems have been effective worldwide in increasing women's representation

in political decision-making;

Be it resolved by the Senate of Jamaica that the State institute a quota system, through legislation,

that would encourage an increase in the number of women in Parliament and Local Government to,

at least, thirty per cent (30%) of all elected representatives by the year 2008.

Be it further resolved that the State institute a **Special Working Committee**, consisting of representatives of the State and Civil Society, including the Jamaica Women's Political Caucus, to

start the dialogue that will lead to positive action by the year 2008.

Preamble

Jamaican women, who constitute fifty-one percent of the population, are still, in the 61st year of

Universal Adult Suffrage in Jamaica (1944-2005), significantly under-represented in Parliament and

in Local Government.

Organisations such as the Jamaica Women's Political Caucus have been concerned about the evident

imbalance that has existed over the years, despite commitments that have been made by the State to

honour the following instruments:

_ The United Nations Convention on the Elimination of all Forms of Discrimination Against

Women (CEDAW), 1979;

- _ The Beijing Platform for Action, 1995;
- _ The Millennium Development Goals, 2000; and
- _ Jamaica's National Policy Statement on Women, 1987.

The continued failure to incorporate women meaningfully in decision-making in politics and public

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life, on an equal basis with men, is a barrier to women's full integration in the development process.

It is also noticeable that the dominance of men in representational politics has created, in the electorate, an acceptance of the *status quo*. This also points to the need for speedy action towards

equal opportunity between the sexes, in political participation and decision-making.

With the support of the Jamaica Women's Political Caucus, _____

calls upon the Government to speed up the passage of the Charter of Rights and to demonstrate its

acceptance of **GENDER EQUALITY** by considering the following RESOLUTION:

Article 10: Ensuring Equal Rights for Women in the field of Education

Females achieve consistently better levels than males both in school attendance and educational

attainment, from early childhood education right up to school-leaving grades (Jamaica Social Policy

Evaluation Project, Annual Progress Report 2003)

Females represent 75% of graduates from tertiary institutions (UWI, UTech, Teacher Training

Colleges only)

Adult Literacy rates: Females 86%, Males 74% (JAMAL, 1999)

"Underachievement is gendered in the public primary and all-age schools."

Boys fall far behind the girls in academic performance, although in cognitive tests which measure

ability to understand, boys and girls achieve at similar levels.

In preparatory (private primary) and high schools, the achievement of boys and girls in both cognitive tests and academic performance is not significantly different. Gender cannot explain the

differences in primary and all-age schools.

Schools may discriminate against boys in a variety of ways including teacher-student interaction,

gender stereotyping of behaviour, corporal punishment, and curriculum design and teaching methods" (Samms-Vaughan, 2002)

"The primary school as a site for socialization alienates many if not most boys from the pursuit of

academic excellence and commitment to academic work." (Evans, 1999)

In spite of good female academic performance, top jobs and higher pay are still dominated by males

(Jamaica Employers Federation)

Females dominate the teaching profession by 4:1, but as Principals or Vice Principals the ratio of

females to males is only 2:1. Only 6% of the female teaching force are in the top positions of Principal or Vice Principal while 12% of the male teaching force are in those positions.

Studies of educated females suggest that females still choose gender-stereotyped subjects and areas

of training.

Teenagers who become pregnant often cannot continue their schooling in the formal school system.

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Recommended Measures

Continuing education for adolescent mothers must be implemented, in every possible way. Within the educational system, more attention needs to be given to female subject choices and to

opening up new areas of educational interest for females.

CEDAW processes should seek to strengthen the thrust for gender equality in the society by examining both male and female education.

A holistic approach should be taken to addressing gender equality both in educational institutions, in

educational processes, and in the outcomes beyond schooling.

Article 11: Employment

The areas of employment and earnings are critical for women in Jamaica. In a situation where many

women are heads of households and may be sole breadwinners, female poverty is linked to unemployment or to meagre earnings. Women's greater difficulty in securing employment disadvantages them in a fundamental way.

Why are women in Jamaica so much more likely than men to be unemployed? The rate of female

unemployment has persistently been at least twice that of males. Figure 1.

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From Social & Economic Studies, Vol. 52, No. 4, December 2003. Reproduced by permission.

Researcher Stephanie Seguino (2003) demonstrates that part of the explanation is that there is a

"crowding" effect of females into a given set of occupations, leading to higher unemployment rates

and putting downward pressure on wages. She also demonstrates an employer bias towards male

workers: in periods of economic decline, more females get laid off, and in periods of economic

upturn, more males are hired.

This analysis is supported by studies by Wyss and White (2004) on the effects of trade liberalization.

Their analysis of Jamaica suggests that new trade policies may have **increased** male jobs by about

45,000 over the past decade, while female jobs may have **decreased** by 12,000 or more. Bailey and Ricketts (2003) indicate that women are more restricted by home duties than men. Males

work longer hours than females and earn more than females, partly for that reason and partly, as

also demonstrated by Seguino above, because females tend to be clustered in lower paying occupations.

Although the female labour force is more highly educationally qualified than the male labour force,

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and although women are increasingly training for occupations which are not traditionally female,

two of the above authors indicate that occupational sex segregation has actually been increasing over

the past three decades.

"Possible explanations are declining overall labour force participation by females, women's continuous entry into occupations that are becoming feminized such as banking, insurance, and

tourism, and the changing structure of the economy with an expanding service sector associated

with high proportions of women in occupations of a clerical, sales or service type." (Bailey and

Ricketts, page 65).

Males have lower representation than females in the category entitled "Senior Officials, Managers,

Professional and Technical Occupations", but this is partly explained by large numbers of female

teachers, nurses, middle managers and some technical occupations in the system. Top managerial

and Chief Executive positions still tend to be largely male.

Many of the researchers cited above express the need for more micro-level research so as to understand more fully women's persistent inequality in employment and wages. In the meantime,

many Governmental and non-governmental projects offer various forms of skill training and/or

small business opportunities to disadvantaged women. One example of gender-focussed employment policy is the Government works project entitled, "Lift Up Jamaica" which has set a

target of 40% female employees. The Women's Constructive Collective, a non-governmental organization of some 30 years standing, recruits and trains women in construction and related skills.

But under CEDAW, equal employment opportunities for women deserve more action programmes.

There is a definite need to diversify women's occupational and industrial clustering - see Figure 2

and Figure 3 below.

Figure 2

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MALE AND FEMALE LABOUR FORCE BY OCCUPATION GROUPS, 2002
0
5
10
15
20
25
30
35
40
45
Skilled
Agriculture
Crafts Plant Clerical Prof. Elementary Occ.
Fishing Trades Machine Ops. Sales/Serv Tech.
OCCUPATION GROUPS
PER CENT
Males
Females
Figure 3
```

Male and Female Labour Force by Industry Groups, 2002

0

5

10

15

20

25

30

35 40

45

Industry Groups % of Labour Force

Males

Females

Unemployment by industry is also easily studied: the areas of high unemployment for women are in

Construction and Installation, Wholesale and Retail Sales including the Hotel and Restaurant sector,

and Manufacturing. With such high proportions of female breadwinners in the society, the persistent

and long-established disadvantages of women in the labour market demand a close and intensive

look at all the social and economic causes, with the intention of implementing some solutions.

Article 12: Measures to eliminate discrimination against women in the field of health care

Violence as a public health issue

In the Ministry of Health Injury Surveillance system (2004) males accounted for almost 60% of all

violence-related injuries. Young men aged 20-29 were the majority within this group.

In 70% of the female injury cases, the person who inflicted the injury was an acquaintance or an

intimate partner, in almost equal proportions.

In 54% of the male injury cases, the perpetrator was an acquaintance and in 20% the perpetrator

was a stranger.

Both among men and women, fights and arguments accounted for most injuries, but among 24

women, sexual assault was the second highest violence-related injury. But it is estimated that only

25% of sexual violence is reported, and the health system receives more reports than the police. It is

said that women face discrimination and strong barriers when they decide to report sexual violence.

HIV/AIDS

Females broadly represent about 40% of all reported cases of AIDS, but over the past few years the

proportion of females has been slightly increasing (42% of all cases in 2005).

The Ministry of Health reports that 90% of all pregnant mothers attending ante-natal clinics are

tested for HIV, and the infection rate detected is 1.7% (2004). Ante-Retroviral therapy is offered to

HIV-positive pregnant women to lessen mother-to-child infection.

Young women are particularly vulnerable: girls aged 10-19 have three times the incidence of infection compared with boys of the same age.

Gender Issues related to HIV/AIDS*

For many young women, their first sexual experience is forced, so they have no say in whether or

not a condom is used. This puts them at risk of HIV/AIDS.

Violent, coerced sex can increase a women's vulnerability to HIV because of damage to membranes

in the genital area.

Many girls are raised to believe that in order to have social status they must have a man, and to keep

him they must please him sexually, no matter what the cost. These pressures make young women

accept dangerous, unhealthy sexual practices, including sex without a condom.

The more a woman depends on a man for financial support, the less freedom she has over her

sexuality. One-third (34%) of young women are unemployed. Many hope that having a baby for a

man will secure an income. Women's unemployment rate is twice as high as men's, and many women work in low paid jobs. Their poor economic situation leaves them powerless and vulnerable

to sexual exploitation, and at further risk of HIV infection.

Transactional sex derives from economic need and other social pressures. The sex industry appears

to be a more attractive source of income for some women, as it offers more than the minimum

wage.

Some people believe that men have a right to sexual gratification, over and above the needs of

women. There is a myth that men's sexual urges are uncontrollable. Some men feel that an essential

element of masculinity is controlling women's sexual lives.

Men are raised to believe that having many sexual partners proves manhood. They expect to be in

charge of the how, when and where of sex, including whether or not a condom is to be worn.

Condoms are often thought to reduce male pleasure.

* Source: WMW Newsletter No. 1, 2006

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HIV and the Law:

There is no law or legal provision which addresses HIV/AIDS or which provides any protective

provisions from discrimination for persons with HIV/AIDS or who contracts it. There have been

instances when children have had to leave a particular school or have been asked to leave because

they are HIV positive and parents of other children have insisted that they be removed from the

school population. There is also no bar to an employee being dismissed when they become HIV

positive or contract HIV/AIDS.

Policy Guidelines on Youth Access to Contraceptives

The Cabinet has approved Policy Guidelines to provide contraceptive advice, counselling and

treatment to persons under 16 years by heath professionals at health facilities. This policy for minors to seek reproductive heath services without parental consent is regarded as valuable in

addressing youthful illicit sexuality. However, there is not enough dissemination of information

about this policy for it to have the positive effect anticipated on the sexual health of our teenage

girls.

Abortion

The present statutory provisions regarding abortions are confusing as they make it an offence to

procure one by unlawful means, without stating what the unlawful means are. The Minister of

Health in 2005 appointed an Advisory Group to study the provisions and circumstances relating to

abortion in the country and to make recommendations and/or draft provisions for new statutory

provisions. The group is expected to complete its work within the next few months.

Measures Recommended

Government should support careful, long-term, sustained programmes of teaching and sensitization

about sexuality.

Article 13: Eliminating discrimination against women in all areas of social and economic

life.

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The Women's Resource and Outreach Centre used the rights under Article 13 as a central theme for

educating women's organizations about CEDAW and for helping them to make their voices heard,

in the context of the August 2006 review process. A series of CEDAW Teach-in Workshops was

held on May 13th and 20th, June 3rd. and 10th 2006, attended by some 35 participants and resource

persons. (See Appendix I).

"Rights a di Plan wid CEDAW in wi Han" was the theme of the Workshops, focussing particularly

on women's rights to family benefits, and State benefits such as the National Insurance Scheme

(NIS) and the National Housing Trust (NHT). The long term, ongoing goal of the WROC project is

to promote women's collective mobilization and advocacy, and out of the series of Workshops an

Advocacy Group has emerged which will continue to build awareness and knowledge among women, after August 2006, about the basic provisions of CEDAW.

Some of the issues that arose in the Workshops were

- disadvantages of the disabled in gaining employment
- lack of continuing education from Government agencies on women's rights under CEDAW
- the limited social benefits available under PATH. The Programme for Advancement Through Health and Education (PATH) is a conditional cash transfer programme which now represents the main social benefit programme available to very poor families, elderly and disabled persons. The programme targets the poorest 10% of the population (although over 16% of the Jamaican population is under the Poverty Line). School attendance of

children up to 85% of school days each month, and specified attendance at health centres, are the main conditionalities. PATH is of special interest to female heads of household since it is one of the few programmes specifically targeted to women. PATH payments are made to a woman in the household unless there is no woman resident there.

Views of the participants were that Ja\$25 (about US 0.38 cents) per school day was inadequate.

It was also proposed that since PATH provides benefits for pregnant and lactating women, it should also assist with family planning costs and with hospital delivery fees since the birth registration of many children remains incomplete because the mother owes delivery fees to the hospital.

• The difficulties in ensuring that Employers remit their employees' (and employer's) contribution to NIS, and also that Employers of household workers pay their Employer's contribution **and** ensure that their domestic employee(s) are registered under NIS. A topic for advocacy which arose was, since the NIS contribution of household workers is very small, should household workers be registered under NIS without the requirement for a weekly contribution? This would be a recognition of their hard work and national contribution under conditions of very low pay

Advocacy issues identified by participants that they would like to see focussed on and addressed

now:

- Using CEDAW to give equal rights to Jamaican women
- A clearer understanding of NIS and NHT benefits
- Enforcing child maintenance laws
- The National Health Fund should include HIV medication on its list of subsidised pharmaceuticals.
- More consideration of disabled women for employment

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- Information for disabled women about housing
- Housing solutions for rural women

Immediate objectives for the proposed Advocacy Programme:

1. Increase the number/percentage of Jamaican grassroots, rural, and disabled women who register

for NIS and NHT, over one year.

- 2. Research the status of grassroots, rural and disabled women in relation to NIS and NHT registration and access.
- 3. Establish partnership with NIS and NHT to fulfill these goals and objectives.
- 4. Raise awareness about CEDAW and advocate for Government and Private Sector compliance.

Article 14: Ensuring the application of CEDAW to rural women

1. Rural women contribute more heavily to household tasks than do urban women. Although rural

women who were full-time workers worked an average of 46.3 hours per week as compared with

male workers who worked 48.1 hours per week, such women also put in 19.8 hours per week on

household labour compared with 7.3 hours for males.

2. Households with heads working in agriculture are twice as likely to be living below the poverty

line as are households supported by workers in other fields.

Measures Recommended:

Special education and employment outreach to rural women

Article 15: Equality of Women With Men Before The Law

The passage of the Maintenance Act 2005 removed the legal burden from a male spouse in a marital

union to maintain his wife whatever her financial circumstance may be. It also removed the primary

burden on the father to maintain his children. This Act makes it now an equal obligation for each

spouse (married and common law) to maintain each other. It also requires both parents to maintain

their children.

The Domestic Violence Act 1995 and its amendment Act 2004 are both gender neutral in effect and

both men and women have made applications to the Court for protective orders under the Act.

The Property (Rights of Spouses) Act is in its provisions apply equally to spouses whatever their sex.

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The reporting provisions of the Child Care and Protection Act 2004 relate to all adult citizens

whatever their sex.

Article 16: Measures to Eliminate Discrimination against Women in All Matters Relating to

Marriage and Family Matters.

The Marriage Act 1897 still has not been amended to give equal rights to both parents in giving

consent where marriage is required to be entered into by a child under the age of consent of 18

years. The Muslim and Hindu Marriage Act 1957 also still has not been amended to provide that the

consent of the mother to a marriage should take precedence over the consent of a male guardian.

Section 2 of the Married Womens Property Act 1887 which provides that it is the offence of fraudulent conversion for a wife to use her husband's money without his consent has not been

amended to date to make it a like offence for a husband to use his wife's money without her consent.

The National Insurance Act provides that the retirement age for men is 65 and that for women is

60. This ought to be amended to bring it in line with the actual practice of the retirement age for

both sexes being 65.

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APPENDIX I

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