## Response by the Government of Jamaica

## to the

## Questionnaire on the Right of Persons with Disabilities to Achieve the Highest Attainable Standard of Health

1. Please provide information on the existing or planned legislation and policies to ensure the realization of the right to health of persons with disabilities, including current challenges and good practices.

**The Disabilities Act 2014: The Disabilities Bill was passed in the Jamaica House of Representatives on July 22, 2014 and the Upper House/ Senate on October 10, 2014. The Act makes provisions to protect and ensure the welfare of persons with disabilities in Jamaica. The main objectives of the Disabilities Act are to: encourage all Jamaicans to recognize and accept the principle that PWDs have the same fundamental rights as any other person; promote individual dignity, freedom of choice and independence, of PWDs; make sure that PWDs are able to take part effectively and are included on an equal basis with others in all aspects of national life; prevent or prohibit discrimination against PWDs; promote acceptance of PWDs and respect for their differences as human beings. The Disabilities Act 2014 identifies a number of key areas for the full inclusion of persons with disabilities such as the right to Education & Training; the right to Employment; the right to Adequate Healthcare and Accessible Facilities and the right to housing and to enter premises.**

**Additionally, the Jamaica’s**[**National Policy for Persons with Disabilities**](http://www.abilitiesfoundation.org.jm/p/DisabilityIssuesNationalPolicy.htm)**was tabled in Parliament on September 26, 2000. It is geared towards setting guidelines and directions for the Government, for the equalization of opportunities for Persons with Disabilities, assisting government in strengthening its capacity to address disability issues as well as assist individual agencies to improve their capacity to address disability issues within their area of functional responsibility. The Policy also provides a framework for agencies of government to cooperate in developing and implementing policies designed to provide equal opportunities for people with disabilities in all aspects of life. One of the main objectives of the policy has been to enrich the lives of persons with disabilities by promoting individuality and freedom of choice and independence by reducing the level of isolation experienced by such persons so as to encourage integration in all aspects of society. As it relates to the right to health, the policy states that the specific goal is to allow persons with disabilities to enjoy a better quality of life and to prevent secondary disabilities. Also, to ensure that they are provided with the necessary assistance in terms of rehabilitation so that they can achieve their full potential.**

**To achieve this goal, a number of health care services are organized; health promotion/prevention, screening, early detection and treatment, rehabilitation services and community care, including early intervention and follow up care on a continuous basis in order for persons with disabilities to reach and sustain their optimum level of independence and functioning. The policy promotes a national health program that provides an integrated health service for persons with disabilities which includes the prevention of a disability, whether occurring prenatally or post-natally; the prevention of a disability through immunization, nutrition, environmental protection and preservation, genetic counselling, early detection of disability and timely intervention to minimize disabling conditions and medical treatment and early rehabilitation of persons with disabilities.**

1. Please provide any additional information and statistical data (including surveys, censuses, administrative data, literature, reports and studies) related to the exercise of the right to health of persons with disabilities in general as well as particular focus in the following areas:
* Availability of barrier free general healthcare services and programmes, which take into account all accessibility aspects for persons with disabilities;
* Access to free or affordable general healthcare services and programmes, including mental health services, services related to HIV/AID and universal health coverage;
* Access to free or affordable disability specific healthcare services and programmes; and
* Access to free or affordable health-related habilitation and rehabilitation goods and services, including early identification and intervention.

**The Government of Jamaica recognizes the right of persons with disabilities to have access to quality healthcare services. Presently, all public health facilities exercise a no user fee policy for everyone. However, due to challenges such as the long waiting time, inadequate resources and equipment such as limited bed spaces in hospitals and the inadequate supplies of medication, the government is reviewing the policy to ensure that the quality of service is not further diminished. The Government will examine the potential advantages of implementing an effective waiver system determined on the person’s ability to pay.**

**The non-discrimination provisions of the Jamaican Constitution are also relevant to healthcare. Persons with disabilities have access to these health services on the same basis as other persons, including in relation to sexual and reproductive health. In a collaborative effort between the JCPD and several Non-Government Organizations providing services for persons with disabilities, an extensive Sexual and Reproductive Health programme was implemented. The project saw sexual and reproductive services being provided to women with disabilities across the island. The project also saw the establishment of a special window at the Jamaica Council for Persons with Disabilities (JCPD) to provide various contraceptives for women and men with disabilities. Support for this programme came from funding by the Government of Jamaica and the United Nations Population Fund (UNFPA). This programme has since morphed with services provided in regular pharmacies as sensitization sessions increased and continued for medical practitioners and pharmacists enabling them to provide more client-friendly services.**

**The Government continues to work with sections of the disabilities community to address lingering concerns about confidentiality in these scenarios.**

**The Ministry of Health provides medical rehabilitation services through the Sir John Golding Rehabilitation Centre free of cost. The Centre offers long-term rehabilitation services with eleven other public hospitals providing acute care. General health care services are also available to persons with disabilities at clinics in each parish. The Ministry of Health, through its national HIV-AIDS prevention and treatment programmes, has also included persons with disabilities who have become more aware of their vulnerability to sexually transmitted infections and abuse.**

**Training on the provision of services to persons with disabilities is provided sporadically to primary care physicians, nurses, physician assistants, and rural health workers. Training is largely provided by Non-Government Organizations (NGOs). In addition to public awareness campaigns, some public health nurses and midwives are also currently being trained in collaboration with the National Family Planning Board to ensure that disabilities and the rights of persons with disabilities are understood. The training will ensure that communication with persons with disabilities can be better facilitated and sexual and reproductive health issues are adequately addressed. This project also makes provision for contraceptive counselling for adolescents with disabilities.**

**The Mental Health Unit is a part of the Health Services, Planning and Integration Branch of the Ministry of Health. The Mental Health Unit is primarily charged with the responsibility of developing policies and plans to address the promotion of mental health, the prevention of mental disorders and the development of a comprehensive range of services to facilitate early detection, treatment and rehabilitation across the lifespan, for persons with disabilities. Important outputs of this process are the National Mental Health Policy and National Strategic Plan for Mental Health. Another important aspect of work of the Mental Health Unit is the recommendation of legislative amendments to ensure that Jamaica’s Mental Health Legislation is in keeping with international best practice standards.**

**Based on the Convention on the Rights of Persons with Disabilities the term ‘habilitation’ describes the process of supplying a person with the means to develop maximum independence in activities of daily living through training or treatment and rehabilitation services. The issue of accessibility and habilitation conjoin to afford persons with disabilities with independence throughout all areas of public life. The habilitation process involves the development of appropriate behaviours inclusive of self-advocacy skills, social graces and self-care and grooming habits and the development of cognitive skills. Important to the habilitation and rehabilitation process for persons with disabilities is the use of technology. Assistive mobility devices are available at the Sir John Golding Rehabilitation Centre on a subsidized basis. The JCPD also provides financial assistance through their Assistive Aid Grants to purchase these aids. Assistive devices for Blind/visually impaired and deaf and hard-of-hearing are also available at the Jamaica Society for the Blind and Jamaica Association for the Deaf.**

1. Please provide information on discrimination against persons with disabilities in the provision of healthcare, health insurance and or life insurance by public or private service providers.

**There is no evidence to suggest that persons with disabilities are discriminated against in the provision of healthcare; the rights of persons with disabilities are respected as they are not forced to participate in any health programmes but are instead able to access free and or affordable healthcare services and to opt in and out. The National Insurance Act makes special provisions for insured persons injured or acquiring a disability. The Act also allows for contributors to the National Insurance Scheme to receive support following an accident on the job that contributes to disability. Life insurance is also available to persons with disabilities from the private sector.** **Additionally, the Ministry of Labour and Social Security, through the National Insurance Scheme, offers an Invalidity Benefit for contributors who were previously employed but have become incapable of working due to physical or mental illness as part of the Social Safety Net provisions.**

1. Please provide information on the observance of the right to free and informed consent of persons with disabilities regarding healthcare, including sexual and reproductive health and mental health services.

**The right of persons with disabilities to have free and informed consent regarding healthcare is generally respected and there is no programme of forced sterilization targeting persons with disabilities. The observance of free and informed consent as it relates specifically to sexual and reproductive health was further highlighted through an initiative by the JCPD and the Combined Disabilities Association in collaboration with non-governmental organizations when a sexual and reproductive health and parenting training workshops for persons with disabilities was conducted in 2016. Sensitization of health workers and employees in professions allied to medicine have also facilitated an enhanced understanding of disabilities, how to be more sensitive to the special needs of persons with disabilities and to encourage recognition of the fact that such persons have the right to free and informed consent as other persons in society. Public awareness programmes via the electronic media have also assisted informing persons with disabilities to exercise their rights and to seek medical advice on mental and reproductive health and birth control products.**

1. Please describe to what extent and how are persons with disabilities and their representative organizations involved in the design, planning, implementation and evaluation of health policies, programmes and services.

**The Ministry of Health in keeping with the United Nations Convention on the Rights of Persons with Disabilities has continued to plan for and sensitize its medical professionals regarding Persons with disabilities. The Standards and Regulations Division, in collaboration with the Health Policy and Planning Division in recent times have invited the JCPD to participate in the planning and implementation of policies and programs for persons with disabilities. However, greater effort is needed to include persons with disabilities and other disability sector partners to be a part of the design, planning, implementation and evaluation of health policies, programmes and services for persons with disabilities.**