

WOMEN'S RIGHTS AS HUMAN RIGHTS:-Though a "Gendered Perspective"

The Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex.

States parties to the International Covenants on Human Rights have the obligation to ensure rights of men and women to enjoy all economic, social, cultural, civil and political rights.

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The Fact sheet of the UN Secretary General campaign: Ending Violence Against Women indicates that:

"States have concrete and clear obligations under international law to address violence against women whether committed by state agents or non-state agents. While circumstances and constraints allow for different types of action to be taken by the state in addressing violence against women, they do not excuse state inaction" Failing to hold perpetrators accountable not only encourages further abuses, but also gives the message that violence against women is acceptable or normal"

Violence against women is a direct consequence of the inequalities between women and men. It denies women their most basic human rights, such as the right to health, and undermines the social and economic development of communities and whole country.

Aside from the physical, emotional and mental toll on women, violence prevents women from participating fully in society. Violence limits women's access to resources, such as land, water and food and their ability to participate in activities such as work, education, and travel.

Violence against women is recognized by the United Nations as a major obstacle to (a) development and (b) the attainment of gender equality and peace as well as (c) a major violation of Human Rights.

Although there has been much advocacy work and participation through written submissions and testimony to joint select parliamentary committees by Woman Inc and other organizations such as the Association of Women's Organizations in Jamaica {AWOJA}, regarding the lack of protection from violence; significant shifts in societal attitudes and behaviour continue to elude the masses

One of the most highly recognized bills in the UN system, known as the Bill of Rights for women is CEDAW; the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, however the convention cannot be used for reporting breached of women's rights without the Optional Protocol being ratified.

Although the GOJ has promised to sign and ratify this instrument (OP)nearly ten (10) years ago, it remains unsigned, thus begging the question whether the political will exists or rather it is words only ,and lack of action that prevails when confronted with the rights of it citizens.

Excerpted from the CEDAW REPORT

“The Committee considered the combined second, third and fourth periodic report of Jamaica (CEDAW/C/JAM/2-4) at its 502nd and 503rd meetings, on 26 January 2001”

Positive aspects

206. The Committee compliments the Government of Jamaica on its work with the United Nations and regional and sub-regional organizations in defining national and international plans of action on women. It also welcomes Jamaica's consistent political will in national and regional implementation programmes to strengthen action plans to improve the status of women.

207. The Committee commends the Government for its expressed political will to implement the Convention. It welcomes the Government's efforts to review and amend its legislation to comply with its obligations under the Convention.

208. The Committee congratulates the Government on its intention to sign and ratify, as soon as possible, the Optional Protocol to the Convention.

209. The Committee expresses its appreciation for the withdrawal of the reservation to article 9, paragraph 2, of the Convention, which the Government had made upon ratification. social, family and property

N.B To date, March 2010, despite advocacy, and constant efforts to ensure compliance from the Civil Society and women's NGO community, the Optional Protocol to CEDAW is yet to be signed.

The Optional Protocol to CEDAW provides the legal mechanism whereby states can be held accountable if they fail to honor the commitments assumed when they signed the convention. The ratification of the Optional Protocol will signify a political commitment to ensure that the declarations of principles translate into action that rectifies the practices that violate the rights of women, as they are protected under CEDAW. The adoption and ratification of the Optional Protocol provided the mechanism for reporting violations of women's human rights. Until such time it is signed women who have exhausted all legal means at the local level will have no recourse, with regard to their right to take it to the CEDAW.

In other words, despite many, many years of advocacy and political lobbying by the women's organizations, the Optional Protocol to CEDAW remains unsigned by the GOJ. and the failure to do so continues to promote {through inaction} the root causes of injustice and denies women their basic Human rights.

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the following - excerpted from the Alternative Country Report to CEDAW compiled and submitted by AWOJA {The Association of Women's Organizations in Jamaica 2006-7
“advocacy issues identified by a group of participants at CEDAW workshops that they would like to see focused on and addressed now”... among the issues mentioned the first was:

- “Using CEDAW to give equal rights to Jamaican women”
- “More consideration of disabled women for employment” was another.

The alternative report was compiled in 2007, years after the recommendations of 2001.

N,B

I couldn't get much in the way of stats or other data re:interconnected elements of gun violence and Violence against women and children,

Among the major issues facing women in across Jamaica today are:

1) domestic violence, and gender inequality.

Domestic Violence as a breach of Human rights

From as far back as the 1993 UN Conference on Human Rights in Vienna, when women's human rights activists lobbied successfully for the international community to state officially that *"the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights."* The precept has become reality in some countries but extremely and painfully slow in Jamaica. The signing off by Government on the Universal Declaration of Human Rights and several other related international conventions such as the Beijing PFA, CEDAW and Belem Du Paro, has yet to translate to meaningful difference in women's lives. In fact woman and children too {*unlike in the past when women were revered and protected against violent behaviour*}, are among the growing statistics of violence and brutal murders.

Women living in the "inner-city communities often recount how frequent they must hide under beds or "take a kotch" elsewhere other than home rather than risk becoming the next statistic. This may be at the hands of a stranger, one of the neighborhood gunmen, or {all too often}the intimate, and not so intimate "partner, in which instance she is no longer safe as a result of just being a woman or being in the confines of her home.

Traditionally, Jamaican society dismissed human rights violations that women experience, such as rape and domestic violence, as "private" and therefore not capable of redress under human rights law.

In recent years Woman Inc and other women's human rights activists have succeeded in bringing to light the unique experiences of women, thereby challenging these false public/private distinctions. The women's human rights movement at the International level, has succeeded in broadening the concept of human rights to include violations against women that are gender-based (i.e. because the victim is a woman), whether committed by state or private actors. Thus, such behaviour as rape in custody, and **domestic violence**, are now considered human rights violations by the international community. This means that **governments bear responsibility to protect women from, and respond appropriately to; these violations.**

Many citizens including the police, are simply unaware of what human rights are, let alone what obligations the Jamaican government has under international laws or how these and local laws relate to the goals of social change.

The commitment made in Vienna was reaffirmed by governments, (including Jamaica) and non-governmental organizations worldwide, at the Fourth UN. World Conference on Women in Beijing, China in 1995.,and at the UNGASS, New York, 2000, and CSW/Beijing+10 at UN New York Feb/March, 2005, and at the most recent CSW {UN Commission on the Status of Women, 2008, and now currently... Beijing +15

In Jamaica there are still many wide and diverse cultural myths and religious beliefs that prevail and give sway to the "turning of a blind eye to "Domestic Violence. The overall problem of crime and violence on the whole continues to fuel the state of inertia on the part of communities.

It was reported that of the missing persons reports (police records} for the year 2004, 61% are female. Yet even more startling the data does not reflect sufficient dis-aggregation to determine how many were young girls and how many were adults. More disheartening is that data is simply nonexistent regarding the number of cases reported as resolved or solved. o too the volume of cases that have risen steadily.

Despite the remarkable achievements and the disproportionate number of women in the academic environment, it does not play out in the corporate boardrooms or at the higher levels of political power and decision-making positions, and women struggle to survive as a most vulnerable group. Many of them migrate to "foreign" as their only recourse to a harsh and often hostile economic and social environment.

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Other concerns expressed by CEDAW Committee that still prevail: unhinges , even the Charter of rights is still "pending" after languishing 10 years...see item 211 immediately below:

Principal subjects of concern

Principal areas of concern and recommendation

211. The Committee expresses its concern at the slowness of legal reform relating to anti-discriminatory legislation. The Committee also expresses its concern that, although the Constitution provides for the equality of all citizens, there are no constitutional remedies available to women

212. The Committee recommends that the Constitution be amended to allow women to have access to constitutional remedies of redress. The Committee urges the Government to make the necessary legislative reforms to the Constitution in order to create an appropriate legal framework to ensure that the law is consistent with the provisions of the Convention.

215. The Committee expresses its concern that the Maternity Leave with Pay Act of 1979 does not cover domestic workers. It is also concerned with the disparity of eligibility and benefits to domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act.

N.B I am not sure if this was ever addressed {JH},

216. The Committee calls upon the State party to revise the Maternity Leave with Pay Act 1979 to ensure that, in accordance with international standards, all mothers receive leave with pay. It also calls upon the State party to review the Maternity Leave with Pay Act and the National Insurance Scheme with a view to removing any disparity between the eligibility of domestic workers and other female workers to benefits

217. The Committee expresses its concern that stereotypical attitudes and behavioural patterns about the roles of women and men in the family and in society persist.

218. The Committee urges the Government to implement awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning the roles of women and girls.

221. The Committee expresses its concern that the current system of monitoring gender impact through focal points is not effective and the necessary structure is not in place

222. The Committee urges the Government to introduce gender mainstreaming measures in all government ministries, institutions and departments, and notes that the responsibility should not fall exclusively under the purview of the Bureau of Women's Affairs. The Committee recommends that the Bureau of Women's Affairs should have the role of monitoring gender mainstreaming in all government activities. The Committee requests that further information on the gender monitoring checklist be provided in the next report.

223. The Committee expresses its concern about the high rate of teenage pregnancies.

224. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes, including availability and accessibility to affordable modern contraceptive means for both women and men. It encourages the Government to promote education programmes on reproductive rights and responsible sexual behaviour for both women and men, particularly young people.

225. The Committee expresses its concern about the persistence of gender-based violence and domestic violence, including marital rape. The Committee also expresses its concern about the high incidence of incest and rape, and the lack of a holistic Government strategy to identify and eradicate gender-based violence.

226. The Committee urges the Government to place a high priority on measures to address violence against women in the family and in society in accordance with general recommendation 19 and the Declaration on the Elimination of Violence against Women. The Committee recommends that the Government raise public awareness about violence against women and urges the Government to strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism. The Committee urges the Government to ratify the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women in order to strengthen the Government's programmes in that area.

227. The Committee is concerned at the high incidence of poverty among various groups of women, in particular in households headed by females. The Committee recognizes that those households have been negatively affected by structural adjustment programmes and the changing global situation.

228. The Committee requests the Government to provide additional information on programmes and projects implemented to combat the negative impact of structural adjustment programme on women and to ensure that the Government's policies to eradicate poverty are continuous and do not further marginalize women.

231. The Committee also urges the Government to sign and ratify the Optional Protocol to the Convention. It further urges the Government to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

232. The Committee requests that the Government provide in its next report more detailed data, statistics and information about all aspects of women in Jamaica and respond to the concerns expressed in the present concluding comments in its next periodic report, under article 18 of the Convention.

233. The Committee requests the wide dissemination in Jamaica of the present concluding comments in order to make the people of Jamaica, and particularly the Government's administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the future steps that are required to those ends. It also requests the Government to continue to disseminate widely - in particular to women's and human rights organizations - the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

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