

they have been abused by police officers, and the requirement for this body to report publicly on its activities; the establishment of a Public Commission of Inquiry into the prison disturbances which occurred in several correctional facilities in August 1997; the fact that the imposition of capital punishment was reviewed by the authorities, leading to the adoption of the Offences against the Person (Amendment) Act, 1992 and of procedures for legal representation, classification of offences, minimum periods to be served and an appellate system; the fact that on the basis of the classification of capital offences under the Offences against the Person (Amendment) Act, judicial decisions and a number of views adopted by the Committee under the Optional Protocol, numerous death sentences were commuted; the fact that draft legislation is being finalized to improve the system of legal aid; the implementation of a programme for the modernization and the rebuilding of the prison estate; and, the intention to amend administrative regulations listing objects that inmates, whatever their sentence, may keep in their possession, so that prisoners will be allowed to keep in their cells correspondence and will be assured access to legal documents relating to their cases.

The principal subjects of concern identified by the Committee were, *inter alia*: the government's denunciation of the Optional Protocol, effective 23 January 1998; the incidence of domestic violence against women; the fact that serious deficiencies persist in the administration of the prison system, including lack of sanitary facilities, lighting in cells, adequate diet, adequate training of prison staff, adequate facilities for visits of convicted prisoners (by relatives and by their legal representatives) and recurrent ill-treatment of inmates; inadequacies in the current legal aid representation; the fact that the Flogging Regulation Act, 1903 and the Crime (prevention of) Act, 1942 are still in force, which provide for and regulate corporal punishment both as a penalty for certain crimes and as a penalty for breach of prison rules or other regulations; the lack of published information about the alarmingly high incidence of the use of firearms by the police and security forces; delays in the hearing of cases before the courts; the failure to adhere strictly to time limits on pre-trial detention as set out in the Covenant and domestic legislation; the fact that not all cases of death at the hands of the police or security forces are subject to a coroner's inquest; and, the fact that even though wire-tapping remains an exceptional administrative measure the current administrative rules are insufficient to secure compliance with provisions in the ICCPR related to privacy and protection from unlawful interference.

The Committee recommended that the government:

- ▶ increase efforts to sensitize the population to the need to respect women's dignity, ensure that legislation provides ready access to remedies for violations of women's human rights, and pursue social and educational programmes to ensure the upholding of women's rights by abolishing all discrimination;
- ▶ make available effective means of redress, without reprisals, for detainees and prisoners regarding complaints of ill-treatment by police or prison warders;
- ▶ establish an independent prison inspectorate which would report publicly on its findings;

- ▶ monitor on a continuing basis the availability and quality of legal aid representation and ensure that experienced counsel is assigned to individuals accused of capital and other serious offences;
- ▶ make available legal aid to obtain the presence of defence witnesses for the purposes of trials;
- ▶ repeal the Flogging Regulation Act 1903 and the Crime (prevention of) Act 1942;
- ▶ investigate all incidents involving use of firearms by police and security forces and make available to the public the outcome of such investigations;
- ▶ adopt appropriate legal provisions to ensure prompt issue of a reasoned judgement by the Court of Appeal;
- ▶ observe closely time-limits on pre-trial detention so as to reduce the opportunity for beatings and other forms of police brutality;
- ▶ take measures to ensure that all deaths at the hands of police or security forces are investigated and that inquests ordered under the Coroners Act, which are adjourned pending the consideration by the Department of Public Prosecutions of potential charges, are reopened if no prosecution ensues; and,
- ▶ either discontinue wire-tapping or adopt precise legislation governing its administration, including appropriate mechanisms for judicial oversight.

**Optional Protocol:** Signed: 19 December 1966; ratified: 3 October 1975; denounced ratification 23 October 1997.

#### **Racial Discrimination**

Signed: 14 August 1966; ratified: 4 June 1971.

Jamaica's eighth through 13<sup>th</sup> periodic reports have not been submitted (covering the period 1986-1996); the 13<sup>th</sup> periodic report was due 4 July 1996.

*Reservations and Declarations:* General declaration.

#### **Discrimination against Women**

Signed: 17 July 1980; ratified 19 October 1984.

Jamaica's second periodic report was due 18 November 1989; the third periodic report was due 18 November 1993.

*Reservations and Declarations:* Paragraph 1 of article 29.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 14 May 1991.

Jamaica's second periodic report is due 12 June 1996.

## **THEMATIC REPORTS**

### *Mechanisms of the Commission on Human Rights*

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 285)

The reports summarize an exchange of correspondence between the Special Rapporteur (SR) and the government regarding conditions under which children were held in police lock-ups, including holding juveniles in the same cells as adults. The government referred to provisions of the Juveniles Act, which stipulates that anyone under the age of 17 may not be detained in the same cells as adults, adding that in practice juveniles were sometimes held in the same building as adults but not in the same cells. The government also noted that: each police station was staffed with persons trained to handle