

suspended by the handcuffs without their feet touching the floor, and beaten. The government informed the SR that criminal proceedings had been initiated against the director of the penal farm and the indictment had subsequently been extended to the guards who had taken part in the acts of aggression. The government expected that the court would order the detention of the accused. In another incident, an 11-year-old girl, living in the Centro de Orientación de Menores of Támara in Francisco Morazán, was raped by several soldiers of the military battalion responsible for guarding the perimeter of the establishment. The government informed the SR that two members of the establishment's guard had been detained in the Central Penitentiary, and that the case was being brought to trial. A third incident involved a 16-year-old boy who had been living in a home run by the Casa Alianza. It is alleged that the boy was arrested by members of the first police battalion who accused him of stealing a watch, and was taken to the police station where he was severely beaten by both the police officers and the adult detainees with whom he had been placed. The government responded that a medical examination showed slight external signs of injuries caused when the boy resisted arrest by the police, but that no offence had been committed and the boy's physical integrity was not in danger.

The last series of cases transmitted to the government involved the treatment of minors detained at the prison of San Pedro Sula and included information on the rape of a youth by adult prisoners and constant sexual abuse for approximately one year. The information received by the SR indicated that the boy had informed the prison authorities of what was taking place and that no action was taken. In a second incident at the same prison, a boy was reportedly suffered knife wounds inflicted by an adult prisoner; further, he had not received medical treatment when he was ill with dengue. A third boy, 17, was reportedly beaten by the prison director and several guards after he tried to escape. Allegedly, the beatings went on for approximately three hours, after which the youth was suspended from a railing by handcuffs, beaten on the feet with a truncheon, and left hanging for half an hour. After the incident, although he was in pain, the youth was not examined by a physician and received no treatment.

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JAMAICA

Date of admission to UN: 18 September 1962.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Jamaica has submitted a core document (HRI/CORE/1/Add.82) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the economy, a summary on the general political structure and commentary on the general legal framework for the protection of human rights.

The Constitution establishes the framework of fundamental freedoms on the basis of non-discrimination. The constitutional provisions related to rights are entrenched and can only be amended by a two-thirds majority of both Houses of Parliament. Remedies for violations may be sought

through the courts, including by appeal to the Supreme Court. Complaints of violations through administrative procedures and organs may be taken to the office of the Ombudsman which is mandated to investigate complaints and make recommendations and reports to the relevant department and/or Parliament. The office of the Ombudsman may not investigate: any action for which remedy may be sought through the courts, save for exceptional circumstances; legal proceedings in Jamaica or an international court or tribunal; orders or directions to the Jamaican Defence Force or its members related to any matter under the Defence Act; actions or decisions of any service commission regarding appointments, removal or discipline of any person; the granting of national honours and awards; the exercise of the prerogative of mercy as set out in the Constitution; and, any action into which, under statute, no inquiry may be made. International human rights treaties to which Jamaica is a party are not self-executing. To the extent that the rights set out in the ICCPR are essentially mirrored in the Constitution, the Covenant is directly enforceable by the courts *qua* Constitution. Any provision in the Covenant which reflects a rule of customary international law is enforceable by the courts as part of the common law of Jamaica.

Economic, Social and Cultural Rights

Signed: 19 December 1966; ratified: 3 October 1975.

Jamaica's second periodic report was due 30 June 1995.

Civil and Political Rights

Signed: 19 December 1966; ratified: 3 October 1975.

Jamaica's third periodic report was due 1 August 1992; the fourth periodic report was due 1 August 1996.

Jamaica's second periodic report (CCPR/C/42/Add.5) was considered by the Human Rights Committee at its October/November 1997 session. The report prepared by the government contains information related to the rights set out in articles 1 through 27, including in such areas as: constitutional provisions; the Legal Reform Committee, mandated in part to carry out research and advise on issues related to women; laws related to the situation of women, including the Domestic Violence Act; provisions related to states of emergency; the death penalty; due process and the administration of juvenile justice; the freedoms of movement, expression, religion, association and peaceful assembly; rights of children; and, the Constitutional Commission working on proposals for constitutional reform.

The Committee's concluding observations and comments (CCPR/C/79/Add.83) note that while the government report provided useful information on the general legislative framework, it did not address consistently the actual state of implementation of the Covenant, nor did it always address, on an article-by-article basis, difficulties encountered in the course of its implementation. The Committee acknowledged that the difficult economic situation and the high rate of crimes of violence hindered implementation of the Covenant.

The Committee welcomed: the envisaged review of the Constitution and consideration of an amendment through which a new Bill of Rights would explicitly refer to prohibition of discrimination on the grounds of sex; the establishment in 1993 of the Police Public Complaints Authority which allows Jamaican citizens to seek redress if