

AMNESTY INTERNATIONAL

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Amnesty International urges Jamaica to strengthen its justice system and prevent discrimination and violence on the grounds of sexual orientation or gender identity

Human Rights Council adopts Universal Periodic Review outcome on Jamaica

Amnesty International welcomes Jamaica's engagement with the Universal Periodic Review and its acceptance of recommendations to establish and operationalize a National Human Rights Institution, in accordance with the Paris Principles.

Amnesty International welcomes the establishment and work of the Independent Commission of Investigations (INDECOM) and note the decline in killings by state agents in 2014 compared with 2013. However, local human rights organizations continue to express concern over obstacles faced by INDECOM in carrying out its functions, including lack of cooperation from members of the police force, and under-resourcing. As recommended during the review,¹ Jamaica should provide INDECOM with the necessary financial and human resources to effectively carry out its mandate, including for timely ballistics and forensic analysis. Amnesty International remains concerned by the serious delays at the Coroner's Court and the Supreme Court, and calls on Jamaica to ensure the Special Coroner in charge of fatal police shootings has the necessary resources to carry out its functions.

Amnesty International welcomes the government's appointment of a Commission of Enquiry to investigate alleged human rights violations during the 2010 state of emergency. At that time 76 civilians were killed; 44 of them allegedly extrajudicially executed by the security forces.² The Commission of Enquiry should complement, not substitute, an independent, impartial and properly resourced criminal justice process. As such, the Commission must refer to the relevant prosecutorial bodies should it obtain information indicating that identified individuals may have been responsible for or complicit in committing, ordering, encouraging or permitting human rights abuses. Such information should be passed to these bodies for investigation with a view to prosecution of the persons allegedly responsible in fair trials without recourse to the death penalty.

¹ Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review – Jamaica*, A/HRC/30/15, recommendation 120.46 (Australia).

² Amnesty International, *Jamaica: a long road to justice? Human rights violations under the state of emergency* (Index: AMR 38/002/2011).

Amnesty International remains concerned by detention conditions in police lock-ups and correctional facilities, and calls on Jamaica to improve prison conditions, in line with the recommendation made during the review.³

Jamaica's acceptance of recommendations to promote and protect women's rights and to combat violence against women is welcome. However, Amnesty International echoes the concerns of seven states during the review that Jamaica lacks a general legal framework against discrimination, including with regard to discrimination on the grounds of sexual orientation and gender identity and expression.⁴

It is concerning that impunity continues for violent and hateful attacks on people based on their real or perceived sexual orientation or gender identity and expression, despite Jamaica's assertion that measures are in place "to investigate and prosecute all incidents and acts of violence targeting individuals based on sexual orientation".⁵

Jamaica's reluctance to accept recommendations to abolish the death penalty,⁶ to establish a formal moratorium on executions,⁷ and to decriminalize consensual same-sex sexual activities is regretful.⁸

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Jamaica on 25th September 2015 during its 30th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in Jamaica: <https://www.amnesty.org/en/documents/amr38/0004/2014/en/>

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³ A/HRC/30/15, recommendation 120.28 (Japan)

⁴ A/HRC/30/15, recommendations 122.24 (Mexico), 122.28 (United Kingdom of Great Britain and Northern Ireland), 122.31 (Chile), 122.34 (Italy), 122.35 (Brazil), 122.36 (Montenegro), 122.56 (Norway).

⁵ A/HRC/30/15, recommendation 119.20 (Canada).

⁶ A/HRC/30/15, recommendations 121.3 (Italy), 121.4 (Turkey), 121.5 (Chile), 121.6 (Cyprus), 121.7 (Montenegro), 121.8 (Namibia), 121.9 (Portugal), 121.10 (Rwanda).

⁷ A/HRC/30/15, recommendations 121.43 (France), 121.44 (Uruguay), 121.45 (Argentina), 121.46 (Australia), 121.48 (Estonia), 121.49 (Panama), 121.50 (Sierra Leone), 121.51 (Slovenia), 121.57 (Costa Rica)

⁸ A/HRC/30/15, recommendations 121.27 (Sweden), 121.30 (Argentina), 121.31 (Chile), 121.32 (United States of America), 121.33 (Germany), 121.38 (Slovenia), 121.39 (Slovenia)