

UNITED NATIONS

CONVENTION ON THE RIGHTS OF THE CHILD

NON-GOVERNMENTAL ORGANISATIONS  
WRITTEN SUBMISSION

UNDER ARTICLE 45 (A) OF THE CONVENTION

**JAMAICA**

Prepared and submitted by:

**The Jamaica Coalition on the Rights of the Child**

## INTRODUCTION

This report is, for the most part, a direct response to the Jamaican government's "Report to the United Nations on the Convention on the Rights of the Child 1998". In submitting this report, the Jamaica Coalition on the Rights of the Child focuses on the points raised in each section of the government report. The focus includes an analysis of achievements which are highlighted with a view to identifying some important concerns.

In doing so, the JCRC recognises that some important initiatives have been attempted and some important results obtained. Nevertheless, there is room for much improvement - mainly in the areas of **coverage, enforcement and sustainability**.

The government's report focuses on the following areas:

- V Family Environment and Alternative Care (Articles 5, 9, 10, 11, 18, 20, 21, 25,27.4)
- VI Basic Health and Welfare (Articles 18,23,24,26,27)
- VII Education, Leisure and Cultural Activities (Articles 28,29,31)
- VIII Special Protection Measures (Articles 22, 30, 32, 33, 34, 35, 37, 38, 39, 40)

The analysis of government's performance, by the JCRC, will follow this sequence. In the government report, the areas listed below were not covered separately but were merged with other areas:

- I General Measures of Implementation (Article 4, 42, 44.6)
- II. Definition of the Child (Article 1)
- III. General Principles (Articles 2, 3, 6, 12)
- IV Civil Rights and Freedoms (Articles 7,8,13,14,15,16,17,19, 37(a) )

### Methodology

In the process of preparing the report five consultations were held in which children participated. These were one-day workshop-type sessions where children were allowed to give their views independent of adults who were also participating in the consultation. Participants were drawn from all fourteen parishes, ensuring coverage of the entire island.

**Table 1. Consultations by Location**

Locus of consultation	Parishes represented	No. of NGO's	No. of Children	Total
Montego Bay	St. James, Trelawny	18	17	35
Negril	Hanover, Westmoreland	20	29	49
St. Mary	Portland, St. Mary, St. Ann	27	21	48
Mandeville	Manchester, Clarendon, St. Elizabeth	27	27	54
Kingston	Kingston & St. Andrew, St. Thomas, St. Catherine	24	32	56

### **Structure of the Report**

The report is divided into three sections. The first section represents the analysis of the government's performance by the JCRC and follows the sequencing of the four areas of focus in the government's report. Section Two deals with the concluding observations/recommendations from the UN Committee in 1995. The report ends with Section Three which highlights the main recommendations.



# **SECTION ONE**

## **Analysis of Government's Performance**

### **I. FAMILY, ENVIRONMENT AND ALTERNATIVE CARE**

The government reports that “measures adopted to ensure respect for the responsibilities, rights and duties of parents and extended families or community are set out in paragraphs 5:1-7 of the Initial Report [October, 1993] and are therefore not repeated here”.

The paragraph to which the report refers, presents the following as evidence of the government's achievements and commitment.

- Enactment of the “Children's (Custody and Guardianship) Act, giving the court authority to act “with regard to the welfare of the child as the first and paramount consideration” when deciding issues relevant to “the upbringing of the child”.
- The enactment of Juveniles Act, Section 9:2a – charging parents with responsibility to provide food, clothing, medical [and] lodging”. This is complemented by the Maintenance Act and the Education Act. The Juveniles Act also seeks to protect children from abuse/maltreatment.
- The establishment of Public Agencies – The Family Court for administering the Children's (Custody and Guardianship) Act; the Children's Services, with statutory responsibility for working with cases of children who are “in need of care and protection or are beyond parental control”.

#### **JCRC's Analysis**

##### **■ Legislation**

Laws as they currently exist, provide a basis for the physical and moral protection of children. However, as stated in the government's Initial Report, “The intent of legislation is frustrated by [many] difficulties”. Groups and individuals that were contacted in the process of preparing this report confirmed this view. They expressed the opinion that the laws are not being enforced. Children, in particular, expressed lack of confidence in the level of protection that the law provides. Some children stated that they do not trust members of the law enforcement agencies. They provided us with cases in which the police have been disrespectful and abusive to children who seek their help.

In the last three to four years considerable attention has been given to the statutes which focus on children. However, the major revision that has been attempted is that of the Juveniles Act. This is an attempt to combine all the Laws/Acts on children in one Act, to allow a more comprehensive and less fragmented approach in fostering the welfare of children. The Act however is long delayed, the revision of which

started in 1995. The draft has been circulated and hopefully it will go to Parliament soon.

▪ **Parental Responsibility**

Section 62.2 – 64.5 the government's report refers to initiatives in the following areas.

- (a) Family counselling and parental education programmes
- (b) Measures for ensuring respect for the principles of the convention
- (c) Opportunities for the child's voice to be heard
- (d) Counselling programmes for young fathers

These are some of the areas where there is concern regarding the coverage and sustainability of government's efforts. It is not possible or necessary to contest the government's report of its accomplishments in these areas. Neither can it be denied that the work has been undertaken. However, the problems of coverage and sustainability are of great concern. Our investigations in rural Jamaica indicate that very few persons who were contacted know of these initiatives. Those who knew of their existence had very little information regarding how such programmes worked.

Our conclusion is that information on these programmes should be widely disseminated in a manner that gives details of how they operate. Efforts should also be made to determine the qualitative and quantitative value of such programmes.

We acknowledge that it is difficult to implement counselling programmes on the scale that they may be necessary island-wide. Programmes of this nature will only be successful if there is a proper assessment of the need (quantitative and qualitative) for counselling. The government should spearhead such an assessment and make the information available to public and private sector agencies alike and to NGO's, so to rationalise the design and development of needs-based counselling and parental education programmes. This would also enable the evaluation of programmes to provide realistic indications of success.

Finally, it is important to consider the ability of parents to fulfil their responsibility; for instance, Heather Ricketts (1999) states that economic hardships have contributed to the increasing difficulty of the family to function adequately as an economic unit, or even effectively perform its main function, that of the primary socialisation of children.

▪ **Ensuring Respect for the Convention**

Many people have heard of the Convention on the Rights of the Child. Very few understand its history and relevance. Consequently, it generates mixed feelings (from hostility to indifference) among adults, and uncertainty among children.

Sixty seven percent (67%) of people contacted in the process of preparing this report said that they have heard of the Rights of the Child, but they have very little understanding of

its meaning or its origin. On the other hand over seventy percent (70%) of children said that they have heard about the Convention. They too are uncertain of its meaning and how it applies to them. They know, for instance, that employees of the public transportation system violate children's rights when they are denied access to travel on the buses. However they do not know what to do about such a situation.\*

There is a need for a structured programme that will bring about greater understanding of the CRC and the role of various sectors in its implementation.

▪ **Poverty**

Section 64.2 of the Report addresses the issue of poverty. It speaks of a decrease in poverty (1.5% in 1995) and links this to initiatives by government. It cannot be denied that government is concerned with this scourge, taking into account its many pronouncements and the establishment of programmes to influence a reduction in poverty. However, it must be appreciated that a 1.5% annual reduction of poverty still places a great number of the nation's children at risk.

Many parents/families are living below the poverty line and cannot fulfil their parental responsibilities. In 1998, 40% of children under 14 years of age, were living in extreme poverty. (*The Survey of Living Conditions in Jamaica, 1998 – a publication by the Planning Institute of Jamaica*). One possible cause for this is that teenage pregnancies are numerous and many, if not most, teenage mothers end up being single parents. Furthermore, many of these single parents lack education or skills and are either unemployed or engaged in low paying jobs. These young persons and their children live in poverty and the government's effort to reduce poverty among them is achieving, at best, marginal success. Hence, the cycle of poverty is likely to continue, as children who now live in poverty are very likely to become poverty-stricken teenage parents themselves.

There is a need for a Family Policy which takes these factors into account. (Such a Policy is discussed later).

▪ **The Children's Services Division**

The Children's Services Division (CSD) is the government agency with responsibility for intervening on behalf of children who are "in need of Care and Protection", or are considered to be "beyond the control of parents." During 1997 the CSD dealt with 4,308 children at intake and 2,130 in forty-eight institutions. (*Information provided by CSD during the Budget Analysis exercise, 1998*). This does not include children who returned "Home on Trial".

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\* Fortunately this violation has been reduced with the government's introduction of a new bus system. However, this relates mostly to the Kingston Metropolitan Area. Children in rural Jamaica still experience problems. In one consultation with a group of children in the western end of the island, there was a consensus among them that "rural children are forgotten".

## *Section 1*

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In the case of a child who is deemed to be in need of Care and Protection, and who, of necessity, must be removed from his/her home, the CSD is obliged to respect the rights of parents and to work for the reintegration of the child with the family. The process involves working with parents of those children to foster the development of greater awareness of their responsibility, as well as to enhance their capacity to fulfil their role.

The children with whom the CSD work are those who appear before the court (Family or Juvenile Courts) and are given Fit Person Orders or a Supervision Orders. Those who receive Fit Person Order are placed in Children's Homes. They can subsequently be placed in foster homes after a period in the institution, be returned "home on trial". In any event, the intention is to reintegrate them with their families or in suitable home environments.

On the other hand, the Department of Correctional Services (DCS) handles the cases of children (juveniles) who commit criminal offences. Some of these children are placed in remand centres, pending their appearances in court.

Recently, an international human rights group, after investigations, was very critical of the treatment of juveniles being held in Jamaican jails. This situation has been corrected. Attempts are being made to improve the Remand Centres and the Juvenile Correctional Institutions. Likewise, a Human Resource Development approach is being applied to the development and implementation of programmes for the rehabilitation of juveniles in these facilities.

There is scope for greater improvement, but the government should be complimented for its effort in striving to observe international standards.

### ▪ **Other interventions**

Several other government and non-government organisations, including the newly formed Coalition for Better Parenting, and the Roving Caregivers programme, provide services that help parents to discharge their responsibilities to their children. The services include counselling, parenting education, and guidance in child-rearing functions.

The main concern that the JCRC wishes to highlight is that the structure and mandate of these two institutions (CSD & DCS) limit the scope of their interventions. Both are agents of the court. Consequently, they intervene mostly in cases where children are brought before the court. Therefore there is a limit to their ability to be proactive on behalf of children who are at risk. Surveys have shown that there are large numbers of at-risk children both in rural and urban areas who do not come before the courts. They are not therefore receiving any attention. In addition, the "officers" who work in these agencies (Children's Officers, and Probation Officers who also work with adult offenders) are burdened with heavy caseloads and obviously must be restricted in the amount of guidance that they can give to parents.

Parenting strategies and styles in Jamaica have been described in several studies as erratic, neglectful of intellectual stimulation, and abusive (D. R. B. Grant, 1983; C. Branche et al, 1995). These styles and strategies are rooted in traditional beliefs and are not easily modified or eradicated. It is difficult, if not impossible, for a social worker with a caseload of over fifty to achieve much in this respect.

▪ **Budget**

It seems necessary to address the issue of budget allocation for this service area at this point. The Budget Analysis exercise conducted by the JCRC 1998-99 provided evidence that there were steady and significant increases in expenditure for the management and operation of Children's Homes and Places of Safety. "But", concludes the analyst, "as it is in most cases where increases have been identified, these were for recurrent expenditure – with wages and salaries" commanding the lion's share. The important question is whether such increases really influence improvement in the quality of services delivered by the institutions.

There might well be improvement in the quality of service. It is difficult to determine this primarily because we have not been able to find any mechanism for a proper qualitative evaluation of outcomes of the services. There are problems with quantitative evaluation – the exact number of children who benefit – as well. This is so because it is virtually impossible to extrapolate the allocations for programmes geared toward children, as funds for children's programmes are included in the overall allocations in each ministry. The difficulty associated with this is more pronounced in the Ministry of Health because in the first place, "activities are decentralised" and, secondly, "the statistical methods classify children in the age group 15 – 16 years as adults". (Ann Shirley)

▪ **Family Planning**

Family Planning has for a long time received much attention in Jamaica. It is suspected that the programmes, which include public education and direct contact with families, achieved some important goals. For instance, whereas these programmes may not be the sole contributor, the number of live births in the period 1996-1997 decreased, compared to 1994-1995. In spite of this however, the issue of the rate of teenage pregnancies is cause for concern. As mentioned before, this has grave implications for the level of poverty for children now and in the future. At 1996, some 20.6% of total births were to mothers in the 15 – 19 age group (STATIN, 1998). Jean Jackson (1999) states that 40% of Jamaican women have been pregnant at least once before age 20 and that 85% of these pregnancies were unplanned.

There are efforts to introduce Reproductive Health Education to adolescents. It is too early at this time to comment on the usefulness of such efforts.

▪ **Family Court**

There are three Family Courts operating in Jamaica. These were the first of such courts in the English-speaking Caribbean. The aim of the Family Court is to prevent family breakdown and to ensure that the welfare of the child is protected. The court deals with all family matters except divorce, and has jurisdiction only in the parish in which it is established.

The Family Court does not only adjudicate cases. It provides “Social Services to assist clients in sorting out problems before it becomes necessary to resort to legal proceedings.” The services include Intake, Counselling, Supervision and Child-care interventions. For instance, the Court operates an Attendance Centre, (a non-residential catering service to fifty students between the ages of 15 and 18 years, who do not fit into the normal public school system). It also conducts a Teenage Pregnancy and Child Abuse Unit.

The Family Court has been operating for a number of years and, over time, efforts are made to enhance its impact on the lives of families – as indicated in the government’s report. Consequently, the system has achieved some degree of effectiveness both in terms of the number of cases heard and the quality of its service. The major concern that has been identified is that there are only two(2) Family Courts in the country and two sub-courts which are linked to the main and operate only once weekly. Our investigations revealed that there were plans to establish at least three more courts. At the moment, each of the other parishes is served by a Juvenile Court. The scope of the Juvenile Court is very narrow compared to that of the Family Court.

The JCRC supports the plan for increasing the number of Family Courts. Ultimately there should be a Family Court in each parish.

▪ **Food Stamp Programme**

The Food Stamp Programme is an area of general concern. The programme is expected to “protect children from erosive effects of rising cost of living, and maintain nutritional status of the target groups at minimum acceptable level”. The target groups are “individuals whose income fall below the defined poverty line.”

The following table in the Survey of Living Conditions (SLC) 1998 shows the distribution of Food Stamps among various categories of persons.

**Table 2: Distribution of Food Stamps by Category of Beneficiary, 1997**  
*(This refers to the percentage of Food Stamps that were disbursed)*

<i>Children less than 6 years</i>	42.4%
<i>Elderly poor/disabled</i>	39.6%
<i>Family Planning</i>	6.8%
<i>Pregnant Lactating mothers</i>	6.0%
<i>Single person household</i>	3.3%
<i>Kerosine Stamp</i>	4.3%

The SLC points out that the number of eligible children in rural areas and towns outside of Kingston increased by 44.7% and 87.3% respectively between 1996 and 1997.

However, only 36.6% of eligible children in rural areas received Food Stamps, and 23.6% in other towns outside Kingston Metropolitan area – (p.61). It goes without saying, and is confirmed by the SLC, that the poorest quintile needs the assistance. The majority of these live in rural areas and about 40% of rural poor are children (see *Situation Analysis of Women and Children in Jamaica, 1995, SLC 1998; ESSJ 1999*).

It is obvious that there is urgent need for improvement in the distribution of Food Stamps. This can be achieved by dealing with what is described in the SLC as “problems affecting coverage”, improved **registration and administration**.

▪ **Separation from Parents**

The procedures relating to the child being separated from parents are quite clear, and for the most part are implemented quite systematically. There are, however, some concerns regarding follow-up actions in respect of children who are separated from their parents through placement in child-care institutions. The re-entry of the child into the family is very important. This requires consistent and well structured interventions that involve the child and parents, to foster a smooth transition from the institution back to the home. Several things in the current situation jeopardise the process. These include shortage of staff – and by extension very heavy caseloads as mentioned before – and limited resources.

In conclusion therefore, programmes and systems need to be adequately structured and funded to ensure that the child is prepared for re-entry to the family, and that the re-entry process is optimally effective.

▪ **Birth Registration**

There is significant improvement in this area. New facilities have replaced the old building that housed the Registrar Generals Department. Physical facilities have improved dramatically and state-of-art systems introduced. The system for registration of birth has improved ensuring that all children can be registered at birth.

Additionally, there is a great deal of public education regarding the potential of the service and the importance of registration. The system needs time before a proper evaluation can be done. At the moment however, the general view is that there is much improvement in this area.

Despite the improvements and the intense public education, there are reports of cases of children not being registered. It was stated that some persons in rural communities experience problems registering the birth of their children. This is attributed to the attitude of hospital personnel. Mothers complained that some hospitals refuse to give the necessary documents that will allow them to register the child if the hospital fees are not paid. The Ministry of Health however, explains that this should not happen, and plans to take steps to prevent it.

Other complaints relate to persons who live in deep rural areas and choose to have home delivery. This is currently not very popular but poses a problem for these mothers. If for any reason they do not register the child immediately at birth, a "late registration" becomes necessary. It has been reported that these mothers are finding it difficult to do a late registration. Indications are, however, that this is more a problem of ignorance of the process on the part of such parents.

#### **Children's Views**

**Children at the consultations reported that they knew of children who are not registered. They think that it is much easier to be registered these days but that some parents, especially teenage parents, do not know of the importance of registering the child.**

#### ▪ **Children Deprived of their Family Environments**

The GOJ's report speaks of children who are removed from home, based on a need to protect their best interest. However, there are children who are living with their parents and, due to circumstances, do not enjoy anything that can realistically be termed a family environment. These include Street and Working Children who have families, but live and work on the streets. A recent Operation Research Project, undertaken by LARD (Consultants) Ltd, in conjunction with Children First and the Western Society for the Upliftment of Children substantiated this point. Many of the Street and Working Children in Spanish Town and Montego Bay lived with or had parents in communities that are in the proximity of the respective city.

Some of the children explained that they left home because of the poor treatment that they experienced. Others, who lived with parents or relatives, spent every day from dawn to dusk on the streets, return home at nights and are subjected to make-shift sleeping arrangements. Technically, they have no contact with the home. Finally, there are a few

cases of children being deposited in the city in the mornings and collected in the evenings.

The point is that children who live in, or are connected to homes that are not conducive to their social, emotional, and physical development should also be classified as “children deprived of family environment”. These are the factors that really constitute a home environment for a child. There are so many children being deprived of these that the government should consider formulating a Family Policy that streamlines programmes and activities to enhance the family environment for these children.

It should be noted that government is not oblivious to the situation relating to these children. Several programmes have been developed or maintained to change the circumstances of these children. Some of these programmes receive assistance from international agencies such as USAID's Uplifting Adolescent Programme, National Poverty Eradication Programme and others involving UNICEF and Save The Children – UK. The Learning and Earning Activities Programme, (LEAP), operated by the HEART Trust/National Training Agency, is recommended by some interviewees as an excellent programme. This also brings into focus programmes operated by our member agencies Children First and Western Society for the Upliftment of Children, two NGOs working with Street Children in Spanish Town and Montego Bay. These two cities account for the largest concentration of Street and Working Children outside of Kingston. The NGOs receive assistance from international organisations. However, they need much more assistance, especially in the area of resources to establish proper accommodation. Physically they operate under austere conditions. There are reports that assistance may be forthcoming.

▪ **Periodic Review of Institutions**

A senior officer of the Children's Services supervises the Places of Safety and Children's Homes. This includes periodic reviews of these institutions. The reviews are done and attempts are made to address weaknesses. JCRC is informed however that shortage of resources constrain any major adjustments that may be necessary. The Department of Correctional Services also operates a system that includes periodic review of conditions and programmes in the institutions. They too are constrained by a shortage of resources.

As far as the JCRC is concerned, there is the commitment to improve the infrastructure and the programmes in these various institutions. It will, however, take massive amounts of money to do this, as well as to attract qualified staff in sufficient numbers. One suggestion to resolve the resource issue is to ask companies that donate large amounts of money to sponsor sporting events, to give between one and five percent of each donation towards the development and operation of Places of Safety and Children's Homes.

▪ **Abuse and Neglect**

Violence has become a serious problem in Jamaica. This includes violence in parent – child relationships. One study by Elsie Le Franc, et. al.; “Parenting and Violence” (*Caribbean*

## Section 1

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*Dialogue, 4.2;* 1998) suggests that violence is so pervasive, it is “being accepted as natural and normal”. Reference is also made in the revised Situation Analysis of Women and Children in Jamaica, (Dr. L Blank, 2000) to “widespread neglect and abuse including sexual abuse; reliance on authoritarian practices [in child rearing] including harsh physical punishment and verbal abuse”.

Abusers are identified as:

- a) Parents and guardians. Examples include fathers and stepfathers who commit incest with children as young as 15 months old. Probation Officers advise the JCRC team that incest is rampant in at least three parishes, and that in some cases there is difficulty getting a conviction by jurors.
- b) Family members, including older siblings, who are verbally and physically abusive.
- c) Female caregivers. Eighty percent (80%) of children in care-giving facilities reported that they experienced abusive incidents. These include the “use of belt, strap, stick and other implements” to inflict blows on children. (Kerida McDonald, 1998). This, most likely, is not done out of malice. It is an aspect of tradition that relies on punitive measures to correct behaviour in children. During consultations involving teachers, for instance, there were strong resistance to the concept that flogging is abusive. Many teachers stoutly defended the “necessity to apply the strap”. Some quote the scripture, which exhort parents “*not to spare the rod and spoil the child*” In one case the JCRC’s team was rebuked for coining the phrase, “*spare the rod and impress the child*”.
- d) A variety of sources of abuse was provided by children with whom the JCRC consulted in the fourteen parishes. These are repeated in the inset below.

### Abusers Identified by Children

- **Transport workers** who treat us in a shabby, disrespectful manner, including indecent assault on girls and sexual harassment.
- **Public sector** workers who are reluctant to provide services and information to children. They are impatient and treat us as if we are nuisances.
- **Private sector workers** in commercial organisations, who are not attentive to children who are customers.
- **The police** who disrespect children, especially if they are from poor communities
- **Dons** [gang leaders] in communities. They target girls.
- **Older men** who use money and gifts to attract girls and boys.
- **Parents** who use the strap to spoil their children’s bodies.

Abusive practices have a long history in Jamaica. D. R. B. Grant, based on a 1983 study of rural families, suggested that there were problems with the upbringing of children in Jamaica. He found evidence that, in an overwhelming number of cases, parenting styles did not foster bonding, intellectual stimulation or the development of self-esteem in children. Findings from Wilma Bailey and Clement Branche (1998) suggest that these findings are still relevant. They speak of a "communication gap" between parents and children. They describe it as a "communication style that discourages development of self esteem, [and] which tends to induce shame and embarrassment".

The Child Guidance Clinic is the agency responsible for detection and treatment of abuse of children. The clinic operates in Kingston and eight other parishes. (There are fourteen parishes in all), service is also provided by NGOs such as Voluntary Organization for the Upliftment of Children and Save the Children Fund U.K.

Indications are that the Clinics are doing a good job. They are constrained, however, by:

- **Shortage of resources.** The JCRC's Budget Analysis of 1998 tried to assess allocations to the Child Guidance Clinic as a means of reviewing statements that the clinics were not adequately funded. It was discovered that "Budgetary allocations to the Child Guidance Clinic is split between overall allocations in the Ministry of Health's budget to the Bustamante Hospital for Children and the Kingston and St. Andrew Health Administration. This, plus the fact that the allocation of funds to the Child Guidance Clinic is packaged in the total for the Child-at-Risk makes it difficult to assess the adequacy of the allocation to the clinics". (Ann Shirley, 1998).
- **Difficulties in expanding the services to children** There definitely is a need to widen the services for abused children. For instance, the machinery should be strengthened to foster greater collaboration between Places of Safety, Children's Homes and the Child Guidance Clinic to ensure proper treatment for those children who have suffered abuse. This could be a very important form of institutional strengthening.

A very grave challenge that faces the nation is the protection from violence that flares up sporadically in communities. These incidents of violence involve

- Rival gangs fighting for turf
- Police attempting to apprehend persons who are deemed to have committed crimes.
- Political factional conflicts

There are cases where children have been killed and maimed in cross-fires in such situations. A solution must be found. This is possible only when the root cause is found and appropriate programmes introduced. It speaks to the need for Research and development.

**CHILDREN'S VIEWS RELATING TO VIOLENCE**

- Children do not feel safe in their communities
- Physical abuse is plentiful in homes and at school
- Abused children are made to feel guilty if they report the abuse
- Abused children are not comfortable going to the police. We know of cases where police protect abusers [sex offenders] who are their friends. On some occasions when teenage girls go to report that they were raped, the police took advantage of them.
- Children are afraid to talk to adults.
- Some children turn to gangs and drugs to ease the pain of neglect and abuse
- Some children feel like there is no one to turn to when they have a problem.
- Children want to know how they can take action on their own.

## VI. BASIC HEALTH AND WELFARE

### JCRC's Analysis

Jamaica is purported to have a health system that, in many respects, meet First World standards. It has achieved and is maintaining relative stability in Crude Birth Rate (23.1 per 1000 population); Crude Death Rate (6.2 per 1000 population); Infant Mortality Rate (111.0 per 100,000); National Immunization Coverage 85.4%; Life Expectancy – (approximately 72.0 years). (*Source; ESSJ, 1998*).

There has also been an expansion of Reproductive Health Care programme with the intervention of the Reproductive Health Project – UNFPA/FAMPLAN. Similarly, emphasis has been placed on Child Health Programmes to influence “breast-feeding patterns, nutritional surveillance and the incidence of diarrhoeal diseases”.

It is undeniable that great strides have been made in health care in Jamaica. Nevertheless, there are some disturbing concerns.

1. Significant number of rural and inner-city dwellers experience difficulty accessing safe, clean potable water. For instance, in the Kingston Metropolitan Area there are communities (e.g. Bowerbank, and Kintyre) where water supply is a problem and sewage treatment and garbage disposal are major issues. As a result, there is a constant threat to health, especially the health of very young children. (*Report of survey by JCRC, funded by Environmental Foundation of Jamaica*).

On the other hand it is estimated that 22% of rural people have to travel at least 450 metres to get water from standpipes. This does not conform to World Health Organisation standard of 200 metres. This deviation from standard is presumed to impact negatively on hygiene and sanitation thereby jeopardizing the health of citizens.

2. The safety of children is another cause for concern. *The Economic and Social Survey Jamaica* (1999, PIOJ) points out that “children make up the majority of all burn, poison and laceration victims” – 63%, 67%, 58% respectively. Also, over 70% of victims of sexual assault treated at the Trauma Unit are children. A breakdown of the figures shows that “7% of all treated victims are under the age of five years of age, 11% are between the ages of 5 years and 9 years, and 53% are adolescents”.
3. “Health status reports” of adolescents show that teenagers “continue to be adversely affected by early and unprotected sex and its consequences, including HIV/AIDS and other forms of STDs.”

It is also notable that about 30% of all births are to teenage girls. This computes at 14,000 babies born every year to teenagers (*Reproductive Health Survey, 1999*). The ESSJ notes that the education of teenagers is jeopardised when they become pregnant. Thirty-six per cent (36%) of schoolgirls (mostly children of the poor) fall in this category, and “six per cent of these had not gone beyond sixth grade at the time of becoming pregnant”. Fortunately, organisations like Mary’s Child and Women’s Centre Foundation of Jamaica are assisting pregnant children to overcome problems associated with early pregnancy and the continuation of their education.

4. Regarding HIV/AIDS the following points have been raised in information from the Epidemiological Department, Ministry of Health.
  - Children represent 10% of all reported AIDS cases
  - There is a high rate of HIV/AIDS among teenage girls. It is believed that this is related to the “high level of sexual abuse among children under the age of 10 years”. Some adult males still believe that sex with a virgin can cure STDs.
  - Children are dying of AIDS, and many are traumatized watching the death of a family member. (1,800 children have so far been orphaned by HIV/AIDS). The number is climbing.
  - Children with HIV/AIDS are often socially isolated from adults and peers. There is a stigma attached to the disease.
  - There is a scarcity of programmes to address the social and psychological needs of children with HIV/AIDS.

With respect to adolescents’ reproductive health, the Reproductive Health Survey of Jamaica (RHS 1997) found that many sexual debutantes are below 10 years of age. The data indicates that by age 11 or 12 years, about 20 per cent of children had sexual intercourse for the first time. More than 40 per cent of the adolescent girls who were sexually active reported that they were not using, or had not used a contraceptive at last intercourse, and 87.0 per cent of teenage pregnancies were not planned.

The Survey also shows that adolescents had the highest fertility rate of all age groups, (approximately 3.0 higher than the national average, and above the national averages for most other countries in the region). Adolescents accounted for 112 births per 1000 of all live births. Unmet contraceptive needs were 42.4 per cent for males, 15 per cent females (*Reproductive Health Survey of Jamaica, 1997*).

At the National Youth Forum on “Adolescents Sexual and Reproductive Health and Rights” held in August, 1998, adolescents stated that poor parenting, lack of adolescent-friendly services and a culture of secrecy about sexual and reproductive issues, were among the factors influencing high levels of fertility.

▪ **Disabled Children**

Significant improvement has occurred in the level and quality of services directed at disabled children. Most of these services are by Non-Government Organisations. The government offers some support to these organisations. Nonetheless, there are some specific concerns. These include the following:

- Limited access for children in rural areas. The JCRC, in its consultations with teachers, learnt that there are difficulties with attempts to organise assessment for children who are suspected to have a disability. For instance teachers complain that there is no available source for follow-up in respect of treatment in cases where the assessment is done by centres in Kingston.

The prime reason for this is that facilities are not available. However, in two cases it was discovered that lack of knowledge of available service was the main hindrance to follow-up.

- Children with disabilities still are not guaranteed integration in regular schools. Traditional attitudes are still strong inhibitors to the proper social integration of disabled children.
- Disabled children from poor families are severely at risk. Access to medical care is reportedly limited – especially for those who live in rural communities.
- Our investigations reveal that most of the staff at public sector child care institutions are not trained to work with children with disabilities. Again, the lack of resources may be a major factor in this regard.
- There are reports of parents succumbing to the stress of caring for disabled child and abusing the child. This is not surprising, in that many parents are poor and uneducated and living under less than ideal circumstances. Hence their tolerance-level is likely to be very low.

Our investigations do not confirm government's claim of primary schools being "equipped with special education teachers". The government's report expresses a hope "to expand the programme" of placing special education teachers in primary schools. It is absolutely necessary that this proposal be implemented with speed.

▪ **The child's active participation in community**

"Old habits die hard". This statement sums up the situation as far as "child participation" is concerned. Formerly, children were told that they must be "seen and not heard". One hardly hears that these days. Increasing numbers of people are suggesting that child participation should be encouraged, and in fact, there are attempts to institutionalise this. Children are invited to participate in meetings, conferences, expos and special events

related to the promotion of child rights. Such involvement is encouraging. We need not rest on our laurels, however.

The presence of children at some of these events does not mean that they are participating. They may be invited to perform or make statements. This does not necessarily constitute participation. Children in consultation with the JCRC, described how they felt about “participation” in school management or in conferences and meetings. They are happy for the opportunity, but fear that most of the time they are out of their depth. They say that sometimes they do not understand the issues and are not satisfied with their contribution. One child commented that she was of the opinion that the adults “did not expect us to contribute anyhow”.

In summary, genuine participation involves being a part of decision-making and problem-solving. It involves being a part of planning and organising to meet challenges and overcome difficulties. This might be the intention of those who currently include children in various events. It is important to note the children’s concern however. It speaks to a need for their development so that their inputs can be strategic, relevant and meaningful. The JCRC has launched a Youth Advocates organisation with this in mind.

This organisation will, among other things, provide children with training to become

- more knowledgeable of issues
- capable of gathering and processing information
- skilful in presenting their views and using information/data
- able to apply techniques that enhance their presentations
- able to display the right attitude and apply social skills
- proficient in using their experience to influence progress

Congratulations to UNICEF in playing a strong role in supporting government and NGOs and generally encouraging participation of children at many levels in our society.

#### ▪ **Access to Education**

The government has declared that primary education is free. This is intended to encourage full participation of children in this age range, in the education system. Other reforms such as the Reform of Secondary Education programme, and the replacement of the Common Entrance Examination are related to the overall plan to expand access to education.

It is difficult to maintain free education for primary school pupils; budgetary issues present a large obstacle. Currently, teachers at primary school level are very creative in circumventing the government’s instruction of “No Fees”. The teachers defend their actions on the basis of inadequate resources for school maintenance, security and other necessities.

At the moment many principals complain that the schools are overcrowded and the physical condition of schools are less than ideal. Through international aid the

government, in the Capital B Section of the budget is refurbishing some schools. Despite this assistance however, the government is faced with a daunting task.

Another factor that affects enrolment and attendance is the persistence of traditional practices of involving children in seasonal employment and other chores. It will be difficult to combat these, bearing in mind the economic realities that confront families.

Finally, some families find the "Opportunity Cost" of primary education to be very high. In a JCRC Survey 1999, parents in one rural area were very convincing in putting forward their case that it was far more profitable, in the long-run, to involve the boy child in the planting of yams rather than send him to school. They argued that despite the commitments given by government (the school feeding programme and the pronouncements of free education) it was proving to be very costly to send the child to school. They were convinced that the employment for which primary education prepares the child was not worth the cost to them.

These three points challenge the government's stated commitment to ensure that every child receives primary education. However, despite all this, enrolment is estimated to be 85%. Attendance however, stands at 73%.

#### **Children's Views**

- The distance to clinics is too great for many children in rural areas.
- Education on health should be more intensive. Use electronic media to educate people who visit clinics, while they are waiting.
- Some clinics are friendly. Many are not. The staff at clinics is disrespectful to adolescents and treats them in a "rough" manner.
- Nurses are not friendly to pregnant teenagers. They can be more understanding and caring in their manner instead of treating teenagers with disdain and contempt.
- Children should be given health cards that will guarantee them access to health care.

#### ▪ **Social Security and Child Care Services and Facilities**

The section on Food Stamp (see p.5) addresses some concerns regarding the welfare of poor children and families. As a follow-up to this the JCRC suggests that there is urgent need to revise/develop a SOCIAL POLICY with a clear coherent Family Policy as an important aspect. A Social Policy is "a national government's course of action that is designed to influence the welfare of its citizens" (Santrock, 1995). It requires "developmental research that produces knowledge that will lead to wise effective decision-making about social policy".

## Section 1

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A need for a Social Policy is confirmed by the following:

- 30% – 40% of children are living in poverty;
- 30% – 50% of children are spending a great portion of their childhood in single parent (female) households;
- nearly 30% of child-bearing females are adolescents, most of whom are unskilled, uneducated and unprepared for the rigors of parenthood;
- drug use and drug abuse is increasing rapidly;
- HIV/AIDS is a menacing spectre.

*(Source ESSJ 2000)*

A Family Policy must therefore be enunciated and machinery established for its effective implementation.

There are two kinds of Family Policies. One is designed to help parents in their bread-winning role while the other concentrates on the nurturing and care-giving role of parents. The former focuses on the family as a viable economic unit by mainstreaming minimal family income or taking care of children while parents go to work. The latter considers the internal life and functioning of the family as well as the development and well being of individual family members. Jamaica has a National Minimum Wage. This however is of no benefit to an individual who is unemployed, and is of minimal benefit to a single mother bearing in mind the high cost of living.

On the other hand Jamaica is no stranger to these types of social and family policies. They were important strategies in government's commitment to social development during the decades of the late 50s and 60s. It is time to revisit and revise these policies. As Marian Wright Edelman, President, Children Defence Fund in the USA remarked, "Parenting and nurturing of the nation's children is our society's most important function". This applies to Jamaica in the same way that it applies to United States of America.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

*“A thorough review of the education system is needed. Improve the quality of education and intensify teacher training.”* (A child speaking at the consultation).

### JCRC's Analysis

#### EDUCATION

The government has made some efforts to reform the education system.

- The Reform of Secondary Education (ROSE) programme involves the conversion of various categories of secondary schools to High (Grammar) School status, thereby expanding capacity at high school level. The programme also includes the revision of curriculum at this level.
- There have also been major efforts to improve Early Childhood Education and the Day Care Programme.
- There is a competency Shelter Project that targets children whose literacy levels fall far behind average grade.
- Several attempts have been made to foster universal access to education at the primary level. There has even been an attempt to implement a phased implementation of compulsory education.

There is no doubt that these initiatives will increase the number of children accessing secondary education. On the other hand the question of qualitative improvements still seems to be an issue. However, it may be too early to comment on this, as time is needed to see what results the initiatives and innovations produce in the long run.

One cannot help making some comments on two vital aspects however. These are:

1. Pre-primary or Basic School Education
  2. The results of, or attainment levels in the regional (CXC Proficiency) examinations. This assessment is necessary because of the relevance of these examinations to the advancement of children beyond their secondary school experience. The end result of any initiative should be to guarantee improvements in these areas to facilitate the child's advancement into adulthood.
- *Pre-primary Education:* Budgetary allocations to the Ministry of Education over the years has been in the region of 11% - 17% of the National Budget. Consistently, the major portion of this goes to “Recurrent Expenditure” of which remuneration is the biggest item – approximately 95% in 1999 – (*ESSJ 1999*). The table below shows the level of spending on Early Childhood Education.

**Table 3. Estimate of Recurrent Expenditure by Function and Programme**

	1997-98	1998-99	1999-2000
Early Childhood Education	427,567,000	449,807,000	519,403,000
Primary Education	5,055,187,000	5,016,683,000	5,000,000,000
Secondary Education	4,043,887,000	4,355,445,000	4,071,788,000

This shows that per capita expenditure in Early Childhood Education is approximately J\$1,850 or (US\$40). Surveys indicate that 80% of the children of this age group go to Community Basic Schools that are under-equipped and lacking in material. These schools depend on community support and fees paid by parents. In a depressed economy, the ability of communities (Sponsoring Body) to give adequate support is not very good. On the other hand most schools have difficulty in collecting fees from parents. As a consequence, the schools are constantly in financial difficulty.

#### ▪ Status of Schools

Basic Schools fall into two classifications, namely, *Recognised and Unrecognised*. The former are those schools which pass the inspection criteria of the Ministry of Education. The criteria relate more to the physical structure of the schools in terms of basic safety and sanitation.

This means that any individual or group in the community can establish a school, then apply to the ministry for recognition. The MOE carries out an investigation and thereby makes the decision whether the school will receive **Recognised** status that will entitle the teachers to a subsidy. The fact that a school may fail to meet the criteria does not mean that the school has to cease operation. It merely means that the school does not qualify for a subsidy to be paid to the teachers. Hence, the school continues to operate as an **Unrecognised** school.

Enrolment figures for 1997 and 1998 show that the total number of pupils attending Community Basic Schools is approximately 69% of the number attending Primary schools. Most of the Basic Schools are community schools – **recognised and unrecognised** – catering to approximately 80% of children in the early childhood education programme.

The issue here is that 80% - 90% of children who go on to primary and secondary education pass through the basic school system. Their preparation for performance at the higher level is of utmost importance. Yet, in terms of resources and the quality of teaching, they are at a serious disadvantage.

#### ▪ Teachers

The least qualified teachers are in the Basic School system. Most of the teachers who operate at this level are not even qualified to teach as Pre-Trained Teachers in the Primary School. (Pre-trained teachers are individuals who have minimum qualification to attend teachers college and choose to teach for a period of time before taking such an opportunity).

Taking into account the problems of parenting and parent-child relationship mentioned earlier, and the impact this has on emotional development, personality development and learning abilities, one has to conclude that some serious rethinking of policy and strategies for Basic School education is necessary.

#### ▪ **Budget Allocation**

Our analysis shows that the budgetary allocations to education have increased from year to year. The increases, as mentioned above, range from between 11% and 17%. This means that a substantial amount of money is spent each year by the Ministry of Education and Culture. Similarly the Ministry of Health, which carries a portfolio for many child welfare related programmes receives a substantial amount of money from the national budget. We have already looked at the fact that the increases though seemingly large may not represent an increase in real terms. Now we will focus on the fact that based on how funds and programmes are linked, it is difficult to determine whether the allocations are adequate.

The following is a quote from a report of an analysis of the government's fiscal budget in 1998. (The analysis was commissioned by the JCRC through funding from UNICEF).

“The Ministry of Health is the major ministry for child welfare programmes and issues. However it was apparent that the ministry's successes/achievements in the provision of medical care somewhat camouflages the social welfare issues especially in the area of primary health care”. (Taken from the *Budget Analysis* by Ann Shirley, 1998)

Similar analysis, commissioned by the JCRC in previous years provided the same conclusion. All such analyses agreed that annual budget increases may reflect genuine intention on the part of government to improve programmes and services aimed at improving the welfare of children. However inflation, for instance, which has been running above 9 % for a long time, wiped out any advantage the increases were supposed to bring.

But inflation is not the only worrying point. In 1996, recurrent expenditure in the Ministry of Education rose 22.7% - (*Economic and Social Survey of Jamaica*). This means that the major portion of the increases each year financed recurrent expenditure of which **wages** and **salaries** formed the largest portion. The *Budget Analysis* that was conducted in 1998 suggested that the trend continued.

Another difficulty is that it is virtually impossible to determine the quality of the results and by extension assess the cost-benefit of the expenditure. Without this it is extremely difficult to make a judgement on the adequacy of the allocations.

Table 4. “Functional Classification of Expenditure” for 1997/1998, 1998/1999 (*Economic and Social Survey of Jamaica, 1998*) breaks down the budgetary allocations to children as follows.

**Table 4: Functional Classification of Expenditure**

	1996-1997	1997-1998	1998-1999
General Services*	63.5%	66.7%	61.9%
Social and Community Services	20.5%	22.3%	25.1%
Economic Services	9.4%	7.5%	9.4%
Miscellaneous	6.2%	3.5%	3.4%

\* *General Services is the aggregate of General Administration and Security Services. Community Services include "Education, Health, Social and Community Services".*

Admittedly some aspects of General Services and Economic Services impact indirectly on children. However, the major direct impact comes from expenditure in Social and Community Services. The allocation in this area is approximately half of what is allocated to General Services and the "majority of the allocation was on the recurrent side". (*Economic and Social Survey of Jamaica, 1996*).

In conclusion, it can be assumed that the allocation is inadequate, taking into account inflation, exchange rate instability and rising demand on the Current Expenditure side, e.g., wages and salaries that account for 44% of recurrent expenditure. The Planning Institute of Jamaica (PIOJ), in the Economic and Social Survey Jamaica – 1997, gave what can be termed a rationale for the quantum of resources that was allocated to children. It states: "Given the importance of infrastructural support in the process of growth and development, emphasis was placed on roads, bridges and sewage facilities."

## VIII. SPECIAL PROTECTION MEASURES

### JCRC's Analysis

#### ▪ Children Involved with the System of Administration of Juvenile Justice

The administration of juvenile justice is a constant source of concern. In this context government and bodies concerned with dealing with juvenile delinquents are hard pressed to find effective means of dealing with it.

- There is a legislative and legal framework for the administration of juvenile justice. The framework (system) includes the Children's Services agency, the police (law enforcement), the Family Court, the Juvenile Court, and the Correctional Services. These implement programmes to correct deviant behaviour, and apply a variety of strategies to achieve readjustment and rehabilitation.
- Provisions are made to ensure that children are not kept in jails.
- The proposed Child Care and Protection Act is expected to bring under one jurisdiction all matters relating to juvenile justice. However the mechanism for its implementation as a comprehensive, all-embracing instrument is not clearly outlined.

The juvenile justice system appears to be very well structured with each arm playing its role. Over the years, however, there have been concerns regarding the following.

The extent and quality of collaboration between the various parts of the system. The police, for instance, express frustration at

- (i) The lack of space for the placement of juveniles who have been apprehended. This has for a long time posed a grave challenge to the system. Sometimes the system is overwhelmed by the need for space and children are detained in jails. In recent times there has been consistent effort to overcome this problem.
- (ii) The number of absconders from Child Care institutions.
- (iii) The long delay in concluding cases brought before the juvenile courts. This puts pressure on the police to find time to attend court despite having a heavy workload in other areas. A vicious cycle develops as the delays make it difficult for the police to attend court, and the absence of the police causes further delays.

On the Children's Services side there are expressions of problems, lack of resources and frustrations at not being able to deal effectively with the many cases of abuse and neglect that exist but are not reported.

Overall, each entity pursues its own agenda and deals independently with its frustrations. This has resulted in a number of unsatisfactory situations, one of which was reported in a Human Rights Watch report relating to children being kept in jails under very deplorable conditions. Government responded quickly to remedy this situation. The Child Support Unit (CSU) of the Ministry of Health, on the other hand, has conducted training sessions with the police on the Convention. All reports indicate that these sessions were well received. We were informed by the director of the CSU that an evaluation exercise was to be conducted to determine the effectiveness of these training sessions. There is no indication that this was done .

Based on the concern regarding the sustainable impact of programmes and projects, the JCRC supports the idea of such evaluation and wishes therefore to recommend that this become a feature of future projects, programmes and activities.

▪ **Places of Safety**

Very often the Places of Safety do not have space to accommodate the number of children who are apprehended by the police. Second, it is not always convenient to travel the long distance necessary to take a child to a facility where there is space. Some arrangements have been made to deal with this problem. With international assistance, a bus was provided. But this does not solve the problem totally as distance and time sometimes create a difficulty for the police.

To resolve this difficulty, a strict limit is placed on the time that children ought to spend in jail, where this is unavoidable. On such occasions the child is not to share accommodation with adults. Our investigation reveals that the police are observing the rules governing the detention of children/juveniles. Conditions in the Places of Safety need to be improved however, and this includes the ability of staff to apply professional interventions.

As mentioned earlier, the system does not seem to embrace a philosophy of prevention. It reacts by apprehending juveniles who commit offences, or are in need of Care and Protection. Issues like the prevention of juvenile delinquency and the reduction of gang formation receive little attention. Whatever attention is given to this aspect, is fragmented and seems not to have a strategic focus.

Bernard Headley in his book; “Crime and Violence in Jamaica” hints at the need for a strategic approach in dealing with delinquency. He states that, “for every one Johnny-too-bad that the system apprehends, there are ten who are ready to take his place”. This points to the fact that delinquency is likely to be a permanent problem unless something is done in the area of prevention.

Another issue that needs attention here is the **quality of staff** in juvenile institutions, especially Places of Safety. These institutions have very few individuals with professional qualification/training to deal satisfactorily with behavioural and other disorders that the children are likely to manifest.

Lack of provisions for **measuring/evaluating the outcomes** of programmes is yet another need. From time to time a few successes have been highlighted in terms of children who achieved passing-grades in the CXC (national/regional) examinations while under the jurisdiction of the Justice System. In most cases however, the measure of success is the number of activities undertaken and the number of individuals that received service.

In other words there is very little evidence that institutions apply a systematic, well-designed approach to help children overcome individual problems and to foster their growth and development (physical, emotional and social). This does not mean that children have not been granted opportunities to advance academically and in the development of vocational skills. On the contrary, there are children who have excelled. One is led to believe, in the absence of empirical data, that such cases are very few as the system is not designed to inspire those who are not particularly motivated to excel.

Overall, these concerns speak to the need for

- Proper *co-ordination* to ensure systematic, professional interventions starting at the very instance a child comes in contact with the Law Enforcement arm of the JJS.
- *Consistency* in the applications of the law in keeping with the principles of the CRC.
- *Pervasiveness*, in that every branch of the system, and the individuals at every level in the system are qualified, motivated and committed to the process of acting in the best interest of the child.
- *Thoroughness* in ascertaining the needs of every child who is subjected to the system, and making every effort to satisfy those needs.
- *Greater cooperation* between the branches (elements) of the system to reduce unnecessary overlap and fragmentation.

There is need for a *Strategic Focus*, whereby programmes are designed to achieve long-term multiplier effects. For instance, the Government's report mentions the establishment of the Juvenile Unit conducting "710 Counselling Sessions between January 1999 and March 2000". There is also mention of "improved court house management" with the "provision of computers and terminals to facilitate recording of data". There is also mention of provision of "furniture such as water coolers, cribs, chairs, family life videos for benefit of children and parents who attend courts" are still awaited.

These, along with other similar initiatives are commendable, but only as a reaction to immediate needs. They do not contribute to the long-term development of the child or parents.

The Minister of National Security and Justice, in his contribution to the budget debate in the House of Representatives, in March 2000, made several comments that point to the

*Section 1*

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need for a strategic approach to dealing with the issues of children. He said, “Young men are in prison and their children are left to roam the streets, themselves victims of crime”. He went on to challenge communities to participate in seeking solutions to the problem of crime and violence, and to emphasise that rising to such a challenge is best accomplished if communities and experts join in a systemic collaborative effort to prevent and treat deviant behaviour.

The government really needs to create a cohesive, children’s justice system which is driven by the commitment to foster such collaboration for the development and implementation of a strategic approach to dealing with deviance and crime among juveniles. This is one of the functions with which the Policy Authority should be entrusted.

It is also our view that the word “juvenile” should be phased out, as it connotes a criminal delinquent child, whereas “Juvenile Court and the Juvenile Act” also deal with children who are mere victims of neglect and abuse and are in need of care and protection from the courts.

## **SECTION TWO**

### **Recommendations of UN Committee**

This section deals with responses to the concluding observations/recommendations that were given by the UN Committee at the last review session with the government of Jamaica. The Committee gave fourteen observations/recommendations then. These were expected to receive special attention during the following implementation period.

The government's current report includes accomplishments in respect of some of these recommendations. There are others that received little or no mention. The JCRC wishes to make some observations, and will do so by referring to each recommendation sequentially as they were given. We will refer to sections of the report where information relating to each recommendation can be found. We will elaborate only on those which have not received enough attention in the government's report.

#### **ITEM 1. NATIONAL LEGISLATION**

*The Government of Jamaica within the framework of the constitutional reform and legislative review currently underway, should ensure that the principles and provisions of the Convention are fully incorporated in the Constitution and other national legislation. New legislation should address issues such as the definition of the child, minimum age of penal responsibility and employment, parental responsibilities, the protection of children against abuse and neglect, and the system of administration of Juvenile Justice.*

Legislative reform is underway and is expected to accomplish the conditions set out in the recommendation. (Family Environment and Alternative Care). A proposed Child Care and Protection Act Bill was prepared and circulated. The bill is expected to be promulgated in Parliament sometime next year.

#### **ITEM 2. MONITORING THE IMPLEMENTATION OF THE CRC**

*The Committee emphasises the need for an integrated system for monitoring the implementation of the Convention. It stresses the need to involve various sectors of the society, including governmental and non-governmental structures at national and local levels and including parliamentarians. There is also the need for better coordination between national authorities and the various international agencies providing technical assistance.*

The creation of a Child Development Agency, which is expected to provide co-ordination and collaboration between the agencies is taking much longer than expected to

materialise into a fully functioning unit. The National Plan of Action Co-ordinating Committee (NPACC), which assisted in monitoring the implementation of the CRC and offered hope in terms of encouraging networking and collaboration between the relevant agencies, is no longer functioning. It came to an end in August 1999, and has not been re-established.

### **ITEM 3: ALLOCATION OF RESOURCES**

*“...all appropriate efforts should be undertaken to ensure, to the maximum extent of available resources and within the framework of international cooperation, that sufficient resources are allocated to children. In this regard due attention should be given to the needs of particularly vulnerable and poverty stricken children so as to provide adequate safety nets for such children and their families...”*

This is one of the areas that we believe has not received adequate attention in the report. For four years running, up to 1998, the JCRC with the assistance of UNICEF undertook an analysis of government's Budget Presentation for each fiscal year. The aim of the activity was to develop a process whereby children could participate in assessing what percentage of the national budget was allocated for programmes specifically related to their needs and thereby become knowledgeable of the implications of budget allocations in relation to their welfare. It was hoped also that the exercise would lead to an identification of priorities in the national budget, with respect to projects detailed in the National Plan of Action.

In an effort to add meaning to the analysis, a copy with recommendations from children was sent to the Minister of Finance and other related ministries.

The analysis of resources to programmes relating to the welfare of children must be viewed against the background of macro-economic issues. In this context, first one must look at the primary objectives of the government of Jamaica. Quoting from the “Budget Analysis Report” by Ann Shirley, 1998, these were “the consolidation of gains of 1996/1997 with respect to inflation, exchange rate stability and the continued maintenance of adequate foreign reserves”. The report went on to state that there would be emphasis on stabilising the financial sector while seeking to foster growth in other sectors of the economy.

The Budget Analysis Report credits the government for making progress in achieving these objectives. Nonetheless, it observed that this was achieved at significant cost, including the “generation of large fiscal deficit in Fiscal Year (FY) 1997/1998 coupled with high interest rate and increasing debt burden and stagnant growth in the economy”. At the same time, inflation was running at above 9%.

A decline in government's revenue was another important factor. This was caused by the overall decline in economic activity that led to a complementary decline in taxable

profits. On the other hand, there were major increases on the expenditure side, especially in the area of “unprogrammed increases in debt stock for budgetary finance and monetary support [that] led to higher than projected interest cost”.

In spite of these difficulties, indications were that allocations for children increased appreciably in the budget for 1998. The Budget analyst concluded however that, “there is indication of a decline in real terms in several areas of budgetary allocations to various programmes in the social sector ministries. In general, outside of increases in salaries, the debt forgiveness by the British government and the major capital projects in the Health and education sectors, in most other areas, allocations are flat or declining, thus implying a decline in real terms”.

Taking everything into consideration, it can be concluded that government’s allocations to programmes for children are based more on what is available than on actual assessment of the needs of children. Consequently, it can be concluded that there are many unmet needs.

#### **ITEM 4: NATIONWIDE EDUCATION**

*“...a nationwide campaign be launched to sensitise the population at large to the principles and provisions of the Convention, and that a comprehensive strategy be worked out and implemented in order to increase awareness among children and adults.*

Attempts are made to inform the nation of the rights of the child. This is done through various media as suggested in the government’s report. However, indications are that whereas many have heard of the Convention, they do not understand its implications. Obviously, there is need for a more structured programme, implemented with consistency and intensity to ensure greater understanding and appreciation of the principles of the convention.

The Child Support Unit has implemented training programmes. As stated in the body of this report, there is need for a proper impact evaluation of the training.

#### **ITEM 5: CHILDREN AND YOUTH AT RISK**

*“...combat traditional attitudes and stereotypes and sensitise the society to the situation and needs of the girl child, disabled children, children affected by HIV/AIDS, children living in rural areas or socially disadvantaged children and Rastafarian children.”*

These are covered in the body of the report. Reference to children and youth at risk are made in all sections of the report. It is particularly worthy of note that various reports from teachers, Guidance Counsellors and children indicate that the situation relating to Rastafarian children has improved greatly.

### **ITEM 6: REGISTRATION OF CHILDREN**

*“...further measures be taken to facilitate the registration of children...”*

There is dramatic improvement in this area. The problems that exist are few and seem to be more the result of parents not understanding how the system works. However, the Registrar General's Office is working assiduously to remedy the situation.

### **ITEM 7: PARENTAL RESPONSIBILITIES**

*“...the need for greater efforts in developing family education and awareness of the common parental responsibilities of both parents”.*

This is covered in the body of the report under Family Environment and Alternative Care. The JCRC agrees that the government has made efforts to assist parents to understand and to undertake their responsibility. However, when the facts are examined, it is difficult to determine how effective these attempts are.

Our consultations with professionals, community leaders and children reveal that many people, including children, are of the opinion that a large number of parents are not fulfilling their responsibility satisfactorily. There are many reasons for this. The two most outstanding reasons are:

- (a) lack of preparation for parenthood and seems linked to a high rate of teenage pregnancies
- (b) inability to take care of children due to economic difficulties.
- (c) dead beat Dads in both familial nurturing and financial responsibility

For instance, the average unemployment rate for calendar year 1997 was 16.5%. It has increased since then. Female unemployment stood at 23.5%, more than twice that of males (10.6%). The statistic is of critical relevance when one considers that the *Survey of Living Conditions* notes that women head 44% of households in Jamaica and a high proportion of these households is “in the poorest quintile”. The point is that a clear coherent Social Policy/Family Policy is necessary “in the best interest of the child”. The situation relating to unemployment, female-headed households and poverty fluctuates from year to year. Overall however, unemployment is high and many parents/families continue to experience poverty.

### **ITEM 8: VIOLENCE AND ABUSE**

*“...measures to combat violence and abuse; a comprehensive school guidance programme for addressing the needs of children exposed to violent conditions; expansion of crisis services; ...the rehabilitation and reintegration of physically, psychologically disturbed and traumatised children...with co-operation from NGOs.”*

In summary, it can be said that the measures to combat violence have not achieved much success. There still is a very high rate of violence, and there is concern that children in

schools are arming themselves to perpetuate violence or to protect themselves from attacks both on and off campuses.

Most secondary schools have Guidance Counsellors. Unfortunately, this is not as well organised in primary schools. There are plans, however, to increase the number of counsellors in these schools.

“Crisis services” need to be expanded and the cooperation between agencies needs to be more structured.

During the series of consultations the JCRC received complaints from guidance counsellors regarding levels of collaboration between teachers and counsellors. Counsellors complain that their role is not properly understood, and that teachers tend to refer disciplinary cases to them. In addition, they complain that some teachers are derisive of the techniques that counsellors use as they believe that these techniques are not firm enough.

#### **ITEM 9: DEALING WITH COMPLAINTS**

*“... ensure that adequate procedures and mechanisms be developed to deal with complaints of ill-treatment of children and that cases of violence of children’s rights be duly investigated”.*

This is an area in which provisions are made but there are reports of weaknesses in its implementation. Children are uncertain of the type of hearing that they will get when they approach adults and the authorities to make complaints, hence they are reluctant to do so.

#### **ITEM 10: HEALTH**

*“...need to strengthen the primary health care system; develop health education to ensure better understanding of benefits of preventive health care and the detrimental effects on children of the persistence of traditional practices prejudicial to their health”.*

The government is to be complimented on its efforts in this area. Details are covered under Basic Health and Welfare in the body of this report.

#### **ITEM 11: EDUCATION**

*“...thorough review of the education system, improve the quality of education and intensify teacher training.”*

This is covered extensively under Education, Leisure and Cultural Activities in the body of this report. The primary concern is the need to move quickly to ensure that teachers in the Early Childhood programmes receive training that is at least complementary to that given to teachers in the primary schools. There are two teachers colleges providing this kind of training. They should be encouraged to increase their output. On the other hand all Basic Schools should enjoy similar status as primary schools, instead of their current status as “recognised” community schools. Technically, community basic schools are operating on the fringe of the education system.

#### **ITEM 12: CHILD LABOUR/CHILD EXPLOITATION**

*“...efforts to prevent and combat child exploitation, particularly in the informal sector [should] be intensified . ...the legislative review should give due consideration to the issue of the minimum age for admission to employment, and that the state party consider ratifying ILO Convention No.138 on this subject.”*

UNICEF defines Child Labour as, “any activity carried out by children whether remunerated or not, that implies exploitation, that interferes with education or that is dangerous or harmful to their integrated development”.

In this sense, child labour is a factor in Jamaica. Children in rural areas are often kept away from school to perform various activities which fall within the UNICEF definition. A similar situation exists in urban areas despite government’s efforts to deal with this problem. Obviously, the entire society must be mobilised to find effective means of controlling child labour. On the other hand the problem is complex and deserves to be seen within the context of a Social/Family Policy.

#### **ITEM 13: JUVENILE JUSTICE**

*“...necessary measures be taken to implement fully the principles and provisions of the Convention. The Committee recommends that the law reform to be undertaken in this field adequately reflects the provisions of the Convention as well as other international standards. .. It is suggested that due attention be paid to the best interest and dignity of the child and that deprivation of liberty be considered as a measure of last resort and for the minimum period possible”.*

This is covered in the section Special Protective Measures.

#### **ITEM 14: DISSEMINATION OBSERVATIONS/RECOMMENDATIONS**

*The Committee also recommends that the report submitted by the State Party, summary records of its considerations and the concluding observations of the Committee be disseminated as widely as possible within the country.*

The recommendations were not “widely disseminated”. The JCRC included them in one of its publications. This was distributed to schools on request and at special events such as conferences, expositions and other functions. Approximately 18,000 copies of this publication were distributed. Despite this the JCRC is of the view that much more could be done to ensure a wider, more meaningful distribution of the government’s report and the Committee’s recommendations.

We would like to submit that the print media and the electronic media could be used more effectively to this end.

# SECTION THREE

## Recommendations

1. Speedy promulgation of the proposed Child Care and Protection Act, which, among other things makes provisions for mandatory reporting of Child Abuse as well as the appointment of a “Juvenile” Defender which we opine should be a “Child Defender” to cover all persons under the age of 18 years.
2. A body with full authority to regulate and coordinate the programmes and activities for the implementation of the CRC is very much needed. This body should take the form of a Policy Authority which:
  - a. Influences policy development and implementation of projects and programmes that conform with the principles of the convention. As a priority it should formulate a Family Policy that outlines commitments and strategies for dealing with problems affecting children in families.
  - b. Determine standards for the implementation of programmes and activities for fostering the welfare and well being of children island-wide.
  - c. Oversee the performance of programmes that receive government support to ensure that they meet prescribed standards.
  - d. Contract agencies to implement projects relating to important goals which must be realized.
  - e. Commission studies/research which will provide valuable information to help to prioritise and rationalize the programmes and activities.
  - f. Development and implementation of public education programmes which influence sustained positive attitudes and behaviours to children.
3. A system that provides incentives for reporting abuse should be found. This should be complemented by a mechanism that ensures that laws are enforced and abusers are brought to justice.

In addition, emergency teams, attached to the Child Guidance Clinics, should be established in parishes to make immediate contact with children who are victims of abuse. The members of such teams should be specially trained and professionally supervised to ensure that adequate help is provided for children who are traumatized by violence.

By extension, Child Guidance Clinics should be given adequate resources and autonomy to introduce services which will enhance the results of their interventions.
4. Every effort must be made to ensure that children who are affected by outbreaks of violence in their communities are protected from injury and the direct effects of such violence. In recent times children have been casualties of violence in communities. There have been three occasions when the violence was sustained

for more than three days. During this time the normal routine of community life was disrupted as constant gun fire posed very serious threat to life and limb. One expects that even those children who did not suffer injuries were traumatised. The JCRC recommends that every effort should be made to protect children from situations such as these, and where they occur, action should be taken to deal with the emotional and psychological wounds that may have been inflicted.

5. Family Planning, Parenting Education and Reproductive Health should be dealt with as a holistic issue. This is because of the high level of teenage pregnancies and the poor quality of parenting that is described in various studies. Evidently, there is a co-relationship between “erratic, impatient” parenting style and the fact that many, if not most of the teenage parents are unskilled, unemployed or are in low-paying jobs.
6. In an effort to sustain initiatives which have been successful in meeting the needs of children with disabilities, the JCRC recommends increased and sustained financial input from the government.
7. Teachers should be exposed to the principles of rights-based counselling. This could be an aspect of the programmes for fostering greater understanding of the Convention in schools. Initiatives like the Child Rights Clubs by the Child Support Unit, or the Child Rights Awareness in Schools project by the JCRC should be encouraged. Because of lack of resources – human and material – the Child Rights Clubs, as a project, did not achieve its objectives. With proper support, planning and an appropriate structure these projects can do much to foster understanding and observance of the principles of the Convention.
8. The concept of Community Basic Schools should be abolished and these schools become fully integrated in the Formal Education System. The period between infancy and six years of age is noted for very rapid learning. On the other hand, researchers in Jamaica report that many children at this age are affected negatively by parenting styles and environments which do not exert consistent positive support influence on the child’s intellectual, emotional and psychological development. Schools therefore are expected to exert a very important influence on the development of children who attend these schools. Approximately 80% of children in this age group attend community basic schools.

The JCRC recommends that teachers at this level should be professionally trained and the schools should be directly a part of the formal education system.