Study on the follow-up to the implementation of the UN Study on Violence against Children for the Caribbean
Study on the follow-up to the implementation of the UN Study on Violence against Children for the Caribbean

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Our sincere thanks also go to Special Representative of the Secretary General on Violence against Children, Marta Santos Pais and to the members of the Global Movement for Children – Latin America and the Caribbean.

We acknowledge the contribution of the UNICEF Country Offices in the Caribbean, the Child Development Agency and The University of the West Indies Open Campus Country Sites for their assistance in locating various stakeholders and key informants. Our gratitude is extended to the Governments, key informants and all of the stakeholders who responded to the Global Survey, participated in interviews or contributed information, and without whom the study could not have been completed.

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FOREWORD

In 2001, the Committee on the Rights of the Child called for a comprehensive UN study on violence against children. A widely participatory process was set in motion for its development in which a wide range of actors within and beyond the United Nations system took part, including States, civil society organizations, religious leaders and children and adolescents.

As part of this process, nine regional consultations on violence against children were held, the very first of which convened in Port of Spain, Trinidad and Tobago. With this important meeting, the Caribbean region initiated a crucial process of regional involvement and ownership in favour of children’s protection from violence.

Following the endorsement by the General Assembly of the UN Study on Violence against Children, and to ensure a steady follow-up to its recommendations, in 2009, the United Nations established a new position of Special Representative of the Secretary General on Violence against Children. I am honoured to have been appointed by the Secretary General as his Special Representative and remain deeply committed to further widening the process of regional engagement to place the prevention and elimination of violence against children high on the policy agenda and to consolidate the process of social change the Study anticipated.

The Caribbean region remains a crucial ally in this process. In 2012, the Government of Jamaica, in cooperation with CARICOM, UNICEF, the Global Movement for Children in Latin America and Caribbean and my own Office, hosted a high level Regional Consultation on the Follow-up to the Recommendations of the UN Study on Violence against Children for countries in the region.

The consultation was designed to assess and evaluate the status of implementation of the Study recommendations, and to support the establishment of national and regional monitoring mechanisms to accelerate progress in children’s protection from violence. The meeting reaffirmed the strong leadership and political commitment of States in the region and led to the adoption of the Kingston Declaration, the Caribbean Regional Roadmap and the Manifesto of Caribbean Children.

Moreover, Caribbean States supported the development of a regional mapping to evaluate advances made, persisting challenges and areas where further progress should be promoted. The key findings and recommendations of this regional mapping are incorporated in the present Study.

The Caribbean Regional Study addressed three priority areas pursued by my mandate:

• The development in each country of a national strategy to prevent and respond to all forms of violence.
• The introduction of legislation to prohibit all violence against children, and
• The consolidation of data and research to inform progress in this area.

These are critical components of a robust national child protection system and very especially for the prevention and elimination of violence against children.

The Regional Study illustrates a wide spectrum of experiences to gear cross-fertilization of experiences, as well as areas where progress can be steadily achieved.
The Caribbean Analytical Study highlights significant efforts that are being undertaken to raise awareness about the dramatic impact of violence on the enjoyment of children's rights, and to place violence against children at the centre of the public debate and on the policy agenda. Critical initiatives within the region demonstrate this well. As captured by the contributions made by States.

UN agencies, civil society and children and adolescents, incremental steps are being undertaken at the national level to shape comprehensive action plans, to enact protective legislation and to consolidate data and research on violence against children. In Anguilla, Belize, Jamaica and Trinidad and Tobago there is now a national policy to address violence against children. Jamaica has established the Office of the Children's Advocate and the Office of the Children's Registry and Belize has passed an explicit ban on violence against children in schools. Grenada and Dominica have developed reporting protocols and procedures to respond to incidents of violence. Other countries such as Barbados have integrated the use of child protection indicators in public policies and have promoted the collection of relevant data, disaggregated by age, gender and ethnicity.

At the same time, the Analytical Study reminds us of the urgency to act for the protection of children from violence in the region. Although all Caribbean States are Parties to the Convention on the Rights of the Child, some areas require adaptation of national legislation to international standards, including in cases of sexual violence against children, pornography, human trafficking, violence in the workplace, forced and early marriage, and other harmful practices. Moreover, some manifestations of violence are still allowed in different settings, including the justice system, where flogging and life imprisonment can be enforced for children below the age of 18.

Child participation is a cross-cutting issue in all the processes for the implementation of the recommendations of the UN Study on Violence against Children. The Regional Study shows promising initiatives for the empowerment of children and their participation, as agents of change, in building a region free from violence. The Caribbean Child Research Conference, held annually in Jamaica since 2006, the involvement of children in surveys to develop child friendly materials in Jamaica, the National Youth Policy in Trinidad and Tobago and the ‘Road to Geneva’ Report prepared with the children of Saint Lucia stand as meaningful examples of this crucial process.

The Regional Study also draws attention to the importance of regional collaboration in advancing the realisation of children’s rights. The institutionalisation of partnerships with regional institutions and the strengthening of regional governance structures is a cornerstone of my mandate. It has been instrumental to reenergise political support, to capture positive developments, identify concerns and mobilise vigorous action to safeguard children’s freedom from violence.

This process has been marked by the adoption of significant political commitments and regional agendas, and in some regions it has led to the establishment of high level monitoring mechanisms to assess progress and advance this agenda steadily forward. The Kingston Declaration meaningfully illustrates this important process and it laid the foundation for enhancement of the strategic collaboration promoted with the CARICOM Community and Common Market (CARICOM), the Organisation of Eastern Caribbean States (OECS), as well as the Organization of American States (OAS), in the Caribbean region.

CARICOM's decisions on children, including the effective implementation of the Statement issued by the Twenty-Third Meeting of the Council for Human and Social Development (COHSOD XXIII) on sexual abuse of children in the Caribbean Region, the
Bridgetown Declaration and Agenda for Action to Combat Child Sexual Abuse in the Caribbean and CARICOM’s regional framework on children are excellent developments to build upon.

The Regional Analytical Study and the Regional Roadmap adopted in Jamaica also provide an important baseline from which to develop national roadmaps capable of nurturing the development of plans and policies with clear and measurable objectives to achieve a long-lasting change in children’s lives.

Violence against children is widespread and pervasive and remains a harsh reality for countless children in all regions. It compromises children’s development and well-being and undermines their health and school performance, with long-lasting consequences which at times persist across generations. Preventing and eliminating violence against children is a pressing need, a human rights imperative and a question of good economics.

In the 2012 Caribbean Consultation, a young participant highlighted the urgency of this cause, stating: “A world free from violence is not an utopia, it can be achieved (...) It has been seven years since this has been instigated; how much have we accomplished since then? I hear promises and negotiations but that only goes so far without real action. Speaking on behalf of my fellow colleagues, we do not want the mere comfort of hearing that we will be heard and some change will be made. What we want is to see actions. All forms of violence should be eradicated.”

I am confident this Regional Study will help us move on from commitments to action and to achieve tangible progress in the safeguarding of children’s rights and in building a region where all children can grow up and develop to their fullest potential in an environment free of violence.

Marta Santos Pais
Special Representative of the Secretary General on Violence against Children
### ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAF</td>
<td>AIDS Action Foundation</td>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>BPM</td>
<td>Brigade de Protection des Mineurs – Brigade of the Protection of Minors (Haiti)</td>
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<tr>
<td>CARICOM</td>
<td>Caribbean Community and Common Market</td>
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<tr>
<td>CAT</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
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<tr>
<td>CBOs</td>
<td>Community-Based Organisations</td>
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<tr>
<td>CCPA</td>
<td>Child Care and Protection Act (Jamaica)</td>
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<tr>
<td>CDA</td>
<td>Child Development Agency (Jamaica)</td>
</tr>
<tr>
<td>CDC</td>
<td>Centre for Disease Control and Prevention</td>
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<tr>
<td>CED</td>
<td>Convention for the Protection of all Persons from Enforced Disappearances</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CERD</td>
<td>Convention on the Elimination of all Forms of Racial Discrimination</td>
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<tr>
<td>CHRI</td>
<td>Commonwealth Human Rights Initiative</td>
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<tr>
<td>CISOCA</td>
<td>Centre for the Investigation of Sexual Offences and Child Abuse (Jamaica)</td>
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<tr>
<td>CMRW</td>
<td>Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</td>
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<tr>
<td>COHSOD</td>
<td>Council of Human and Social Development</td>
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<td>CPSC</td>
<td>Child Protection Steering Committee</td>
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<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CRC Committee</td>
<td>Committee on the Rights of the Child</td>
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<td>CSA</td>
<td>Child Sexual Abuse</td>
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<td>CSO</td>
<td>Central Statistical Office</td>
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<tr>
<td>CTOC</td>
<td>Convention on Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</td>
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<tr>
<td>DEYO</td>
<td>Dominica Youth Environmental Organisation (Dominica)</td>
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<tr>
<td>DHS</td>
<td>Demographic and Health Surveys</td>
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<tr>
<td>ECPAT</td>
<td>End Child Prostitution and Trafficking International</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>EMMUS</td>
<td>Enquête Mortalité, Morbidité et Utilisation des Services – Survey Mortality, Morbidity, and Service Utilization (Haiti)</td>
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<tr>
<td>ESSJ</td>
<td>Economic and Social Survey of Jamaica (Jamaica)</td>
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<tr>
<td>FACa</td>
<td>Families and Children’s Act (Belize)</td>
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<td>GMC -LAC</td>
<td>Global Movement for Children – Latin America and the Caribbean</td>
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<tr>
<td>GNCD</td>
<td>Grenada National Council for the Disabled (Grenada)</td>
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<td>GNCRC</td>
<td>Grenada National Coalition for the Rights of the Child (Grenada)</td>
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<td>GNOW</td>
<td>Grenada National Organisation of Women Inc. (Grenada)</td>
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<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>IACHR</td>
<td>Inter-American Commission on Human Rights</td>
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<td>IACPd</td>
<td>Inter-Agency Child Protection Database</td>
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<tr>
<td>IBESR</td>
<td>Institut du Bien-Etre Social et de Recherches- Institute of Social Welfare and Research (Haiti)</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>INUREd</td>
<td>Institut Interuniversitaire de Recherche et de Développement - Interuniversity Institute for Research and Développement (Haiti)</td>
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<tr>
<td>MDGs</td>
<td>Millennium Development Goals.</td>
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<tr>
<td>MFCSY</td>
<td>Ministry of Family, Culture, Sports and Youth</td>
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<tr>
<td>MICS</td>
<td>Multiple Indicator Cluster Surveys</td>
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<tr>
<td>MLSS</td>
<td>Ministry of Labour and Social Security</td>
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<tr>
<td>MYC</td>
<td>Ministry of Youth and Culture</td>
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<tr>
<td>NARCIE</td>
<td>National Resource Centre for Inclusive Education</td>
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<tr>
<td>NCDP</td>
<td>National Child Diversion Policy</td>
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<tr>
<td>NCPD</td>
<td>National Council of/for Persons with Disabilities</td>
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<tr>
<td>NCFC</td>
<td>National Committee for Families and Children</td>
</tr>
<tr>
<td>NCRC</td>
<td>National Commission for the Rights of the Child</td>
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<tr>
<td>NFAC</td>
<td>National Framework of Action for Children</td>
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<tr>
<td>NGOs</td>
<td>Non-Governmental Organisations</td>
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Study on the follow-up to the implementation of the UN Study on Violence against Children for the Caribbean

NPA
National Plan of Action

NPACJ
National Plan of Action for Child Justice

NPACV
National Plan of Action for an Integrated Response to Children and Violence

NYC
National Youth Council

OAS
Organisation of American States

OCA
Office of the Children’s Advocate

OCR
Office of the Children’s Registry

OECS
Organisation of Eastern Caribbean State

PAREDOS
Parent Education for Development (Barbados)

PIOJ
Planning Institute of Jamaica (Jamaica)

RGPF
Royal Grenadian Police Force

RICC
Rome Statute of the International Criminal Court

RSA
Revised Statutes of Anguilla (Anguilla)

RTG
Road to Geneva

SLPPA
St. Lucia Planned Parenthood Association (St Lucia)

SRSG on VAC
Special Representative of the Secretary-General on Violence against Children

STI
Sexually Transmitted Infection

UN
United Nations

UNDP
United Nations Development Programme

UNESCO
United Nations Educational, Scientific and Cultural Organisation

UNFPA
United Nations Population Fund

UNICEF
United Nations Children’s Fund

UNSVAC
United Nations Study on Violence against Children

UPR
Universal Periodic Review

VAC
Violence against Children

VPT
Venerable Person Team

WHO
World Health Organisation

YAM
Youth Advocacy Movement (St Lucia)
CONTENTS:

CHAPTER | PAGE
---|---
I. INTRODUCTION TO THE WORLD STUDY ON VIOLENCE AGAINST CHILDREN | 12
II. METHODOLOGY | 16
III. A SITUATION ANALYSIS ON VIOLENCE AGAINST CHILDREN IN THE CARIBBEAN | 19
IV. SUB REGIONAL, REGIONAL AND INTERNATIONAL SYSTEMS FOR THE PROTECTION OF CHILDREN’S RIGHTS | 26
V. GENERAL REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS | 36
   a. RECOMMENDATION 1: STRENGTHEN NATIONAL AND LOCAL COMMITMENT AND ACTION
   b. RECOMMENDATION 2: PROHIBIT BY LAW ALL VIOLENCE AGAINST CHILDREN
   c. RECOMMENDATION 11: DEVELOPING AND IMPLEMENTING SYSTEMATIC NATIONAL DATA COLLECTION AND RESEARCH EFFORTS
VI. COUNTRY BY COUNTRY FOLLOW-UP OF THE UNSVAC RECOMMENDATIONS: COUNTRY REPORTS | 67
VII. RECOMMENDATIONS TO PROGRESS ON THE IMPLEMENTATION OF UNSVAC IN THE CARIBBEAN | 160
VIII. BIBLIOGRAPHY | |
IX. ANNEXES | |
   Annex 2: Children’s Declaration presented at the Sub-Regional Meeting on Follow up to the UN Study on Violence against Children
   Annex 3: Children’s Voices in the Sub-Regional Meeting in Jamaica
   Annex 4: The Kingston Declaration
   Annex 5: Recommendations and responses on corporal punishment in the UPR
   Annex 6: Regional Roadmap to protect children against all forms of violence in the Caribbean
   Annex 7: Charter of Civil Society for the Caribbean
### List of Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1</td>
<td>Study Framework</td>
</tr>
<tr>
<td>Table 2</td>
<td>Core International Treaties Ratified by Governments in the Region and the United Kingdom</td>
</tr>
<tr>
<td>Table 3</td>
<td>Other Relevant International Treaties Ratified by Governments in the Region and the United Kingdom</td>
</tr>
<tr>
<td>Table 4</td>
<td>Relevant Regional Treaties Ratified by Governments</td>
</tr>
<tr>
<td>Table 5</td>
<td>Map of Public Policy Framework for Selected Countries</td>
</tr>
<tr>
<td>Table 6</td>
<td>Map of Initiatives Implemented to Reduce of Prevent Violence against Children</td>
</tr>
<tr>
<td>Table 7</td>
<td>Map of Coordinating Mechanisms Addressing Violence against Children in Selected Countries</td>
</tr>
<tr>
<td>Table 8</td>
<td>Definition of 'Child' in the Caribbean</td>
</tr>
<tr>
<td>Table 9</td>
<td>Status of Corporal Punishment in the Region</td>
</tr>
<tr>
<td>Table 10</td>
<td>Status of Capital Punishment and Life Imprisonment as Sentences for Crimes Perpetuated by Children in the Region</td>
</tr>
<tr>
<td>Table 11</td>
<td>Availability of Disaggregated Data on Violence against Children</td>
</tr>
<tr>
<td>Table 12</td>
<td>Country Profiles of Registries and Systems to Capture Data on Violence against Children</td>
</tr>
</tbody>
</table>

### List of Figures:

| Figure 1 | Strategic Recommendations of the SRSG’s Follow-Up Study on VAC |

### List of Boxes:

| Box 1    | UN World Study On Violence against Children (2006) Recommendations |
| Box 2    | Sub-Regional and Regional Studies on Violence against Children   |
| Box 3    | Country-Specific Studies on Violence against Children            |
| Box 4    | Child Participation in Research Initiatives in Jamaica            |
| Box 5    | Road To Geneva (RTG) NGO-Youth Coalition research on the state of the human rights of children and youth in St. Lucia |
| Box 6    | Promising Practice: Caribbean Child Research Conference - Hearing the Voices of Child Researchers |
| Box 7    | Children’s Meeting with Marta Santos Pais and Rosa Maria Ortiz : Caribbean Meeting |
| Box 8    | Violence against Children in the Spotlight at Caribbean Meeting: Meet Craig |
Chapter I: INTRODUCTION TO THE WORLD STUDY ON VIOLENCE AGAINST CHILDREN
Violence against children is a global phenomenon. It has been deeply embedded across cultures, in varying degrees and forms. A host of factors contribute to perpetuating violence against children across settings. This has serious consequences for the well-being and development of children and presents significant national and global development challenges on a wider scale, including negative impacts on achievement of the Millennium Development Goals (MDGs). Acknowledging this, the United Nations Secretary-General commissioned the Study on Violence against Children. Independent expert Paulo Sérgio Pinheiro led the study that was presented to the United Nations General Assembly in 2006 (Pinheiro, 2006).

The United Nations Secretary-General’s Study on Violence against Children (UNSVAC) provided a comprehensive picture of the nature, extent and causes of violence against children across settings. It was the outcome of the first comprehensive global attempt to describe the scale of all forms of violence against children and the impact of this. The study approached the issue from the combined perspectives of human rights, public health and child protection in acknowledgement of the fact violence is best addressed through a multi-sector response. The report was an outcome of a rich collaborative effort involving participatory processes that brought together the experience of Governments, international organisations, civil society organisations, research institutions and children. The report asserted that no violence against children is justifiable and all forms of violence are preventable. The commitments made at international and national levels on the basis of the accumulated knowledge described in this report, provided the impetus needed to develop tools to protect children, to focus on prevention and to mitigate the consequences of violence. UNSVAC emphasised the responsibility of nations and proposed a set of strategic recommendations for action, asking Member states to implement 12 general recommendations in an attempt to respond to and prevent the growing menace of violence against children.

**BOX 1: UN STUDY ON VIOLENCE AGAINST CHILDREN (2006) RECOMMENDATIONS**

**RECOMMENDATIONS OF THE UN STUDY ON VIOLENCE AGAINST CHILDREN**

1. Strengthen national and local commitment and action
2. Prohibit all violence against children
3. Prioritise prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability and end impunity
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment
Recommendations were also made to be applied to different settings where children suffer violence. ‘Settings’ referred to subsections, or areas of study in which violence may occur. These include:

- Violence in the home and family: Including infanticide, physical, psychological and sexual violence, corporal punishment and harmful practices.

- Violence in schools and education settings: Including violent and humiliating discipline, physical, emotional and sexual violence and harassment, and bullying in special schools (including military schools) and mainstream schools.

- Violence in institutions: Including violence in alternative care situations such as orphanages, foster and other care homes, NGO shelters and institutions for disabled children and young people.

- Violence in the community and on the streets: Including children in conflict with the law, gang violence and children and young people involved in organised crime, but not situations of war. This also includes private security guards, death squads and vigilantes, as well as harmful traditional practices.

- Violence in work situations: Includes children in domestic work, trafficking (for forced labour and sexual exploitation), commercial sexual exploitation, (includes sex tourism) and child labour in hazardous conditions.

These recommendations provide a navigation chart for accelerating and monitoring progress in violence prevention and response. In order to support implementation of the UNSVAC Study recommendations, the UN appointed a Special Representative to the Secretary-General on Violence against Children (SRSG on VAC), Marta Santos Pais, in 2009. Six years after review of the Study by the General Assembly, a ‘Global Progress Survey’ is underway to map and assess the progress made and implementation of the UN Study recommendations in order to inform future priorities. The SRSG on VAC has focused her priorities on Recommendations 1, 2 and 11 of the UNSVAC Study, as the study identified time-bound targets for these three overarching strategic recommendations.

**FIGURE 1: STRATEGIC RECOMMENDATIONS**

- **RECOMMENDATION 1:** The creation of coordination mechanisms at the national and local levels to support the protection of children against all forms of violence; and the development of related comprehensive public policies, strategies and integrated plans.

- **RECOMMENDATION 2:** Legal reforms to ensure the protection of children from all forms of violence

- **RECOMMENDATION 11:** The creation of information and research systems to support related public policies, legislation, strategies and integrated plans.

As a follow up to the implementation of the recommendations of the UNSVAC study in the Caribbean, the Consortium for Social Development and Research (University of the West Indies, Open Campus) has been commissioned by UNICEF on behalf of the Global Movement for Children Latin America and the Caribbean.

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1The Special Representative is a global independent advocate in favour of the prevention and elimination of all forms of violence against children. Reporting to the Secretary-General, she chairs the United Nations Inter-Agency Working Group on Violence against Children. She acts as a bridge-builder and a catalyst of actions in all regions, and across sectors and settings where violence against children may occur. She mobilises action and political support to maintain momentum around this agenda and generate renewed concern at the harmful effects of violence on children, while working to promote behavioural and social change, and to achieve effective progress.
### TABLE 1: STUDY FRAMEWORK

<table>
<thead>
<tr>
<th>PRIORITISED RECOMMENDATIONS</th>
<th>CHALLENGES OUTLINED BY THE SRSG</th>
<th>SPECIFIC STUDY OBJECTIVES</th>
<th>EXPECTED OUTCOME</th>
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</table>
| **Recommendation 1**  
The creation of coordination mechanisms at the national and local levels to support the protection of children against all forms of violence and the development of related comprehensive public policies, strategies and integrated plans | In general, there is still a need for more effective mechanisms for coordination amongst the various related key actors and institutions and there is also a need for comprehensive national plans of action to address violence against children. | Systematise and analyse country by country information on existing public policies, strategies and plans of action, and coordination mechanisms that contribute to the prevention and elimination of violence in the Caribbean in accordance with UNSVAC Recommendation 1. | Public policies, strategies and integrated plans of action, and coordination mechanisms that contribute to the prevention and elimination of violence in the region, focusing primarily on those based on prevention. |
| **Recommendation 2**  
Legal reforms to ensure the protection of children from all forms of violence | Most countries in the region lack an adequate legal framework to protect children from violence in all its forms. | Systematise and analyse country by country information on the existing legal gaps and or challenges to ensure the protection of children against all forms of violence in accordance with UNSVAC Recommendation 2. | Gaps and or challenges on the existing legal frameworks. |
| **Recommendation 11**  
The creation of information and research systems to support related public policies, legislation, strategies and integrated plans | Many States still lack adequate information gathering and management systems in relation to violence against children. | Perform mapping of national and regional development of data collection and information systems on violence against children in accordance with UNSVAC Recommendation 11. | Data collection and Information systems and data at the country and regional levels on violence against children and adolescents. These systems should take into account the different settings or environments in which this violence occurs and the most excluded populations by sex, age, national origin or ethnicity, disability, or HIV-AIDS. |
|  |  | Map and identify national and local good practices to prevent violence against children in schools, communities and the family with the involvement of the public, NGOs, the UN and other sectors. Criteria on what practices should be considered innovative should be agreed. | National and local good practices to prevent violence against children, including care and rehabilitation for child victims of violence. This should also include mapping of good practices that make visible the participation of children in the prevention of and protection against all forms of violence. |
|  |  | Identify the progress made by each country as a consequence of UNSVAC recommendations. |  |
Chapter II: METHODOLOGY
This study aims to identify the progress made and the challenges remaining to full implementation of the prioritised recommendations and promising practices indicated in Table 1. International human rights instruments have been used as a basis for the conceptual Child Rights framework used to guide the study. Violence against children threatens the chances of children seeing the fulfilment of their human rights, including their right to protection. The recommendations made in the UNSVAC study operate basically from a child-protection perspective and these are applied to the methodology below.

The study was performed as a multi-phase data collection process, where each phase culminated in the expected outcomes given in Table 1. The study was expected to include the 13 independent Caribbean States of: Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Suriname, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the four UK overseas territories of Anguilla, Montserrat, British Virgin Islands and Turks and Caicos Islands making a total of 17 countries and territories. At the time of writing, progress reports had been received from 11 countries: eight of which had completed the ‘Global Progress Survey’ and three of which (Anguilla, Barbados and St. Vincent and the Grenadines) had responded to an adapted version focused on the prioritised recommendations. This report systematises and analyses primary and secondary data for these 11 countries and attempts to present information on the remaining countries through analysis of any secondary data available.

**Phase I:**

**a. Desk Review of legislation:**

Our researchers reviewed specific laws to prohibit and prevent violence against children and to protect children from this in the countries surveyed.

**b. Desk Review of existing secondary literature:**

The researchers identified and compiled relevant secondary information relating to the objectives outlined above. In addition to abroad literature review, the search focused specifically on the exploration of background material relevant to the specific objectives outlined. Data was accessed through libraries, the internet, governmental and non-governmental organisations in order to compile a collection of relevant documents from published and grey literature, reports and websites for each country.

**c. Data compilation of the ‘Global Progress Survey’ questionnaire**

The ‘Global Progress Survey’ is a revision of the 2004 questionnaire sent to Governments in preparation for the UNSVAC 2006. This survey seeks to capture comprehensive data on States’ efforts in protecting children against violence, both in law and in practice, dividing the content covered into 12 clusters, aligned with the 12 overarching recommendations of the UN Study. The questionnaire was sent to the Governments of the 17 countries included in the study by the SRSG, with a request to include all the information necessary to provide the fullest possible overview of progress.
Eleven countries (Anguilla, Barbados, Belize, Haiti, Jamaica, Grenada, Dominica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Suriname) responded to the survey and the survey team undertook ongoing follow up with country governments during the study period through UNICEF representatives, and with government and civil society stakeholders in the countries. This report provides an analysis and synthesis of the data obtained up to the time of writing.

Data from the eleven country surveys have been compiled, systematised and analysed on the basis of the themes outlined, documenting progress made and any gaps in the implementation of the UNSVAC recommendations. These findings have been substantiated with secondary data from the literature review, including a data review for the non-respondent countries.

**Phase II: Key informant surveys**

The primary responsibility for implementing the recommendations of the UNSVAC Study rests with States. However, the participation of civil society, the media, development cooperation agencies, the private sector, families, children and youth, as well as other actors at the national, regional and international levels, is essential in realisation of the right of children to protection against all forms of violence.

The information received from governmental representatives was complemented by key informant surveys, adapted from the Global Progress Survey, to enrich data and fill gaps. These key informants were identified through UNICEF focal points. Survey respondents were drawn from: civil society, the media, development cooperation agencies and the private sector and included other actors at the national, regional and international levels.

A primary, core contact was identified in each country to provide liaison, assist in identifying country-specific secondary data and documents and provide follow up on the status of the survey questionnaire with governments. The core contacts, in turn, provided leads to other stakeholders including public officials and operators of the protection and justice systems and specialised justice systems, non-governmental organisations and international organisations. Key informants were also identified through the Open Campus Country Sites network of the University of the West Indies.

**Phase III: UNSVAC Sub-Regional Follow-up Consultation**

The UNSVAC Sub-Regional Follow-up Meeting for the Caribbean region held on the 14-15th May, 2012 in Jamaica also provided valuable input to the data being compiled. The event was hosted by the Government of Jamaica with the support of UNICEF, and was organised by the Latin America and the Caribbean Global Movement for Children in close collaboration with the Office of the SRSG on VAC and CARICOM. The meeting involved senior state representatives, civil society organisations, non-governmental agencies, the media and representatives of children and adolescents. More than 200 representatives from CARICOM Member states participated. Stakeholders, including members of CARICOM, high-level government authorities on children’s rights, civil society organisations, ombudsmen and public defenders, national children’s rights coalitions, media and experts of the Caribbean, gathered together to track progress in implementation of the prioritised recommendations at regional and national levels. The participating States reiterated their political commitment to the prevention and elimination of violence against children on the basis of the Convention on the Rights of the Child (CRC) ratified by all countries in the region, promoting an exchange of experiences and the reinforcement of sub-regional cooperation areas. Data gathered from the proceedings were integrated into the report to help address the gaps encountered in the desk review and key informant processes.
Chapter III: A SITUATION ANALYSIS ON VIOLENCE AGAINST CHILDREN IN THE CARIBBEAN
The Convention on the Rights of the Child (CRC) forms an international basis for ensuring the rights and protection of children, yet every country of the world contains a group of children who continue to live with the fear and experience of violence. Repercussions of this violence can continue throughout their lives, influencing their development, their behaviours and their health (Pinheiro, 2006).

Violence against children ranks as one of the major threats to childhood in the Caribbean. In 2007, a UN and World Bank study (UNODC, 2007) indicated that the Caribbean ranks as the most violent region in the world, reporting an annual murder rate of 30 per 100,000 inhabitants. The ‘Global Study on Homicide’ (UNODC, 2011) indicates that while homicide rates have decreased or stabilised in several parts of the world over the past decade, they have risen to crisis point in Central America and the Caribbean.

The average global homicide rate for the Caribbean region is estimated at 22 per 100,000 inhabitants; a rate three times that of the estimated global average of 6.9 per 100,000 inhabitants. A study from the English-speaking Caribbean countries showed that: one sixth of school-going adolescents experience physical abuse, mainly perpetrated by an adult within their own home; 6 million children in Latin America and the Caribbean suffer severe abuse, including abandonment, and; 80,000 children under 18 years die each year of abuse by their parents (IADB, 1999). Speaking at the Sub-regional meeting for follow-up to UNSVAC in Jamaica, the United Nations Children’s Fund (UNICEF) Representative in Jamaica observed that violence has reached epidemic proportions in the Caribbean where it has tremendous implications on the welfare of children and the socio-economic development of nations.

THE FORMS OF VIOLENCE AGAINST CHILDREN IN THE CARIBBEAN

Crime and violence present the paramount challenges to development in the Caribbean. Children in the Caribbean are disproportionately vulnerable to most forms of violence. There is limited information available on all forms of violence, particularly in terms of prevalence and disaggregated official data. Official and research figures reflect only the reported cases, when in reality many cases of violence against children go unreported.

Violence against children in the Caribbean is rampant across all settings. The 2006 UNSVAC in the Caribbean indicated widespread exposure to violence including drive-by shootings, sexual abuse in the home, schools and juvenile justice and other institutions, bullying and corporal punishment across all settings. It also documented critical gaps in legislation, implementation and enforcement in terms of: legal definitions of childhood according to age, minimal or absent provisions relating to child pornography and the sale and trafficking of children, variations in employable age, limited institutional capacity and resources, amongst other challenges (UNICEF, 2006). This section presents an overview of the most rampant forms of violence against children in the region, providing an illustrative background for analysis of implementation of the SRSRPrioritised recommendations on violence against children and identification of those areas that require an urgent response.

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2Caribbean Youth Development: Issues and Policy Directions, Caribbean Country Management Unit Poverty Reduction and Economic Management Unit, Latin America and the Caribbean Regional, February 4, 2003. The countries included in the study were: Antigua, Bahamas, Barbados, British Virgin Islands, Dominica, Grenada, Guyana, Jamaica and Saint Lucia.


4Robert Fuuderich
CHILD SEXUAL ABUSE

Child Sexual Abuse has been identified as one of the most common forms of violence against children across settings in the Caribbean. UNICEF LACRO\(^8\) observes that “Sexual abuse happens everywhere at home, school, and in other institutions and has a serious physical, psychological and social impact, not only on girls and boys, but also on the fabric of society”.\(^8\) The World Health Organisation (WHO, 2002) reported that 47.6% of adolescent females (10-18 years) and 31.9% of adolescent males in the Caribbean, reported forced or ‘somewhat’ forced sexual initiation. Two recent studies provide a comprehensive picture of child sexual abuse and emergent trends in the Caribbean. The landmark ‘Child Sexual Abuse in the Eastern Caribbean’ qualitative investigation in the Eastern Caribbean spanned six Caribbean nations\(^7\) and estimated the prevalence of child sexual abuse at 20-45%, with findings that can be interpreted as indicative of trends across the region even though the study content was limited to the Eastern Caribbean.

Besides the commonly recognised forms of child sexual abuse, the study identified emergent trends in the Caribbean. These include cell phone pornography, internet abuse, child sex tourism, opportunistic abuse linked to natural disasters, sexual aggression by girls and transactional sex between children (Pinheiro, 2006). Reinforcing these emergent trends, another regional study on ‘The Study of Child Sexual Abuse in CARICOM countries’ (Singh, 2012) indicated that the major forms of child sexual abuse included intra-familial abuse (incest, including by step parents and siblings); non-family abuse (situations in which children are abused by someone known to the family), and transactional sex (transactions in which sex with a child is exchanged for money, goods or favours).

Beside the pain and trauma of dealing with the sexual abuse, children are also rendered extremely vulnerable to other risks such as STIs and teenage pregnancies. AUNAIDS report on the status of HIV in the Caribbean estimates there are currently between 210,000- 270,000 persons living with HIV/AIDS in the region, and the increasing incidence and emerging trends in child sexual abuse, have serious implications for transmission of the disease. UNICEF LACRO noted that “it is one of the main factors that contribute to HIV infections, and that is why it is not surprising that this region has one of the highest prevalence of HIV and AIDS worldwide”. For instance, Singh (2012), reports that 20 teenage girls from one school in Guyana were tested positive for HIV/AIDS, possibly contracted as a result of being lured into prostitution and sexually exploited by the people who manage the popular local mode of minibus transportation in a chain of behaviour that initially started with simple ‘joyriding’. Jones and Jemmott (2009) have called for child sexual abuse to be reframed as a public health issue at policy level considering its implications in terms of STIs and HIV.\(^11\)

A report by End Child Prostitution and Trafficking (ECPAT) International\(^12\) states that children and youth in the Caribbean are lured into commercial sexual exploitation through false promises and a lack of positive life options. Weak law enforcement and uneven legal protection in many countries compromise efforts to fight commercial sexual exploitation. Trafficking of children for sexual purposes is often linked to organised and violent crime, and fighting the problem is made more difficult because of porous borders and the ‘pull’ factor of the United States. The weak legal and social protection for adolescents and poor regional coordination and collaboration hamper broader prevention efforts and the provision of services to victims.

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\(^5\)UNICEF Office for Latin American and the Caribbean
\(^7\)Barbados, Dominica, Grenada, Montserrat, St. Kitts and Nevis and St. Lucia.
\(^8\)Broader legal definition of incest found in revised laws of CARICOM countries on Sexual Offences. (Singh, 2012:15) “UNAIDS (2010), The status of HIV in the Caribbean.
CORPORAL PUNISHMENT

Corporal punishment across settings continues to be widely prevalent in the Caribbean in spite of the fact that General Comment 8 of the Committee on the Rights of the Child (CRC Committee) emphasises the obligation of States to prohibit and eliminate all corporal punishment. To date, 32 countries have banned corporal punishment in all settings, but none of these are in the Caribbean\(^\text{13}\). Cultural acceptance of corporal punishment as a norm and high tolerance of the practice aids in its persistence. A study in Trinidad and Tobago (Juallaad van Oudenhoven, 2010) observed that people here, including parents and authority figures view the practice as appropriate in the disciplining of children, thereby helping it to endure “as a part of the behaviour repertoire, embedded in the social structures and as such, an element of culture”. A UNICEF study from 2010 (UNICEF, 2010) reflected on the high prevalence of physical and psychological aggression experienced by children in several low and middle income countries, including Jamaica (89%), Suriname (86%), Trinidad and Tobago (77%); Guyana (76%) and Belize (70%) in the Caribbean. An earlier UNICEF report (UNICEF, 2009) also stated that an average of 83% of children in the Caribbean experience violent discipline at home.

A more recent study ‘Prohibiting Corporal Punishment of Children in the Caribbean: Progress Report, 2012’ provides a snapshot of the status of prohibition and law reform in the area. It concluded that none of the 8 million children in the Caribbean are legally protected from corporal punishment in the home while the other figures are: 32.9% in schools; 14% in juvenile justice institutions; and 31.9% in alternative care settings; while 12.2% are not legally protected from a corporal punishment sentence in the courts (GIECPC, 2012b). The call to eliminate and prohibit corporal punishment has been echoed in several UN human right treaty bodies and by regional human rights mechanisms. The Inter-American Commission on Human Rights (IACHR) in its ‘Report on Corporal Punishment and Human Rights of Children and Adolescents’ (IACHR, 2008) called upon “OAS Member States to act immediately on the problem of corporal punishment by placing explicit and absolute legal bans on its use in all contexts and, in parallel, by adopting such preventive, educational and other measures that may be necessary to ensure the eradication of this form of violence, which poses a serious challenge to the well-being of children in the Hemisphere” (GIECPC, 2012a). In the Universal Periodic Review (UPR) conducted for 14 Caribbean States by the UN Human Rights Council, recommendations to prohibit corporal punishment were made to 13, of which two accepted, seven rejected, one partially accepted and three did not formally accept or reject.\(^\text{14}\) Countries had varying reasons for the decision to reject or partially accept the recommendations to prohibit corporal punishment, which ranged from cultural practices to provisions contained in the relevant Education Acts. Annex 5 provides further details on these decisions.

VIOLENCE IN JUVENILE JUSTICE SYSTEMS

During the 21st Session of the UN Commission on Crime Prevention and Criminal Justice in Vienna in 2012, the SRSG on VAC, Marta Santos Pais, emphasised the importance of a juvenile justice system based on respect for the rights of the child in the prevention and elimination of incidents of violence against children, asserting that “it is critical to consolidate a child-sensitive and non-intimidating justice environment within which children’s freedom from violence can be safeguarded at all times, including in

\(^{13}\)According to the Global Initiative to End All Corporal Punishment, corporal punishment at home was possibly prohibited by law in Haiti in 2001, but there is no unequivocal confirmation.

Study on the follow-up to the implementation of the UN Study on Violence against Children for the Caribbean

cases of deprivation of liberty”. Recognising the significant UN standards and norms developed on justice for children, the SRSG on VAC called for the protection of children from violence to be placed at centre-stage on the agenda of the UN Commission on Crime Prevention and Criminal Justice15 and the 2015 Congress on Crime Prevention and Criminal Justice. Juvenile Justice Systems across the region, however, have reportedly faced challenges in effectively addressing issues of violence and the protection of child rights. Many researchers and policymakers continue to echo the sentiment that justice is one of several areas that are requiring address at the regional level by Caribbean countries (Clarke et al., 2010), a sentiment also echoed in the OAS-IACHR Rapporteurship on the Rights of the Child document entitled ‘Juvenile Justice and Human Rights in the Americas’ (OAS-IACHR, 2011).

In the Caribbean, children become associated with the justice system in three ways: (i) through being in State care and protection; (ii) for uncontrollable behaviour; and (iii) for criminal activities. Various international legal instruments, including the CRC, mandate States to protect children in the justice system from ill-treatment, violence, injury, sexual abuse and neglect, and to ensure due consideration of the child’s best interests. However, as was indicated by Clarke et al. (2010) in Jamaica, despite ratifying the UNCRC and the existence of national instruments such as the Child Care Protection Act (CCPA), children’s rights in the juvenile justice system are violated as a result of several deficiencies including resource constraints and a lack of knowledge and sensitivity of workers in the criminal justice system. The SRSG on VAC report on juvenile justice16 supports this view and identifies “unqualified and poorly trained and remunerated staff” as a key factor linked to violence within institutions. The region is also negatively affected by inconsistency in national laws with regard to punishment in juvenile justice systems17 and there are even reports of torture of children in detention. More than half of all children in detention are awaiting trial and sentencing, which suggests that pre-trial detention is being used as a form of sanction in violation of the right to due process guarantees affirmed in the CRC (UNICEF, 2010). Additionally, the longer a child remains in pre-trial detention, the greater the likelihood of risks associated with ill-treatment, overcrowding, lower staff-to-child ratios, mixing with adult detainees and self-harm. 18 The minimum age of criminal responsibility in some countries is as low as 8 years despite persistent pressure from the Committee on the Rights of the Child to increase the minimum age of criminal responsibility to 12 years19, and children continue to be detained in adult facilities. Moreover, recent studies in many countries indicate that increased youth incarceration, the trial of adolescents and young people in adult courts, and their detention in adult criminal institutions, have been shown to increase delinquency and encourage risky behaviour by young people (Clarke et al., 2010).

18See Supra Note 31
19See Supra Note 31
SCHOOL VIOLENCE

Educational settings should ideally provide environments conducive to learning, as well as the skills needed to negotiate and resolve conflicts amicably. However, both girls and boys continue to be exposed to various forms of violence at school, including verbal abuse, intimidation, physical aggression and, in some cases, sexual abuse.

IMPACT OF ARMED VIOLENCE ON CHILDREN AND ADOLESCENTS

The Caribbean is particularly vulnerable to the escalation of violence due to its strategic location in the Trans-Atlantic drug trade. The protection of children’s rights is increasingly threatened by violence in the region and violence against children has worsened in recent times in line with rising levels of violence and social problems in some Caribbean countries. Children are being affected as victims as well as perpetrators through their involvement in organised crime. The 2006 UNSVAC (Pinheiro, 2006) stated that the Caribbean has one of the highest rates of homicide among 15-17 year olds, with an average of 22.3 homicides per 100,000 inhabitants. The ‘Global Study on Homicide’ (UNODC, 2011) reports that the highest risk of being a victim of homicide globally is for young men of 15-29 years, as there is evidence that this group and even younger boys are being recruited into organised crime. Heineman and Verner’s (2006) literature review of Latin America and the Caribbean observes that youth violence is highly visible in the region ingangs, schools and on the streets, citing that an estimated 80% of the crimes in the Caribbean are committed mostly by men aged under 35 years, with an increasing number under the age of 14. This has serious implications for violence against children, and the review notes that youth violence is tightly bound up with violence against children, showing a significant link between exposure to violence or victimisation as a child and a later propensity for violent conduct. The study further notes that in Latin America and the Caribbean, perpetrators of violent crimes are mostly young men between the ages of 16 and 25. For example, among those arrested in 2004 in Jamaica, more than half were men aged 16 to 30, with men in the narrower age group of 16–25 committing the bulk of major crimes (Cunningham et al., 2008). The same source gave the opportunity costs of youth violence to society as an estimated 0.23% of annual GDP in the Caribbean. It is essential to understand that the vicious cycle of violence is fuelled by elements including the denial of rights, challenging socio-economic and political contexts and unaddressed gender inequalities in a way that perpetuates and sustains youth violence.

VIOLENCE AGAINST CHILDREN IN VULNERABLE SITUATIONS

Violence in the region impacts on children across all sections of society, but it is the children in deprived and challenging situations who are particularly vulnerable to the worst excesses, and these inequities only exacerbate the risks. For instance, Romero (2010) shows that children from poor families in Haiti have been disproportionately exposed to various forms of violence that compromise their rights in a country affected by major political upheaval, massive street demonstrations, a weak domestic economy and a succession of natural disasters. The Brigade de Protection des Mineurs of the Haitian National Police estimates that there are as many as 2000 suspected cases of child trafficking to the Dominican Republic annually, often with the support of the parents, and approximately 1000 children working as messengers and spies for criminal groups and armed gangs in the capital Port-Au-Prince. Henry-Lee reports where that the violation of child rights in Haiti is closely linked to social and economic realities (Henry-Lee et al., 2010). Indigenous children in Suriname, Guyana and Belize have restricted access to basic rights, such as the right to
identity through birth-registration. Similarly, poverty has been identified as a situation that perpetuates and exacerbates violence against children. Gender-based violence ends to disproportionately affect one gender or the other, depending on the type of violence involved. For instance, girls are at a higher risk of various forms of sexual abuse, while abused boys are given inadequate protection by the State in countries such as St. Lucia and Guyana (UNICEF, 2010) and the recruitment of children into armed groups and drug gangs involves a greater proportion of boys as both victims and perpetrators (Hasanbegovic, 2007). Children with a disability are more likely to be victims of violence compared to their non-disabled peers (Jones et al., 2012).

Multiple challenges are encountered in addressing the issue. In the words of Crawford Brown (Brown, 2010, p. 2), “…in the Caribbean, there is evidence that the characteristics and nature of violence in contemporary society is different in many respects from other parts of the world, particularly in terms of the extent to which violence involves children as victims and to some extent perpetrators”. She observes that high levels of violence in the region have been attributed to a host of geographical, economic, social and global vulnerabilities which place the child at risk of perpetuated violence. In these circumstances, many societies would historically focus resources on protecting children, but the Caribbean has not committed sufficient resources to this end. The constrained action in response to the emerging challenges in the region also reflects the weak institutional capacity, the little implementation of existing strategic framework and pending legislative issues. The recent Caribbean Human Development Report 2012 (UNDP, 2012) observes that violent crime has become a challenge that threatens economies and livelihoods in the Caribbean, but goes on to stress that the high rate of violent crime can be turned around by achieving a better balance between legitimate law enforcement and preventive measures, with a stronger focus on prevention. The report claims that the right mix of policies and programmes can halt the problem. It also calls on governments to invest more in the prevention of gender-based violence against women and girls, and to address the issues of youth violence and street gangs.

The May 2012 Sub-regional Meeting for follow-up to UNSVAC in the Caribbean in Jamaica, promoted consolidation of strategic alliances with key institutions, including the SRSG on VAC, IACHR and CARICOM. It prioritised strengthening institutional links with countries in the Caribbean, and with all stakeholders including UN agencies, international and regional organisations, civil society organisations, the media, research institutions, children and adolescents themselves. Important outcomes of the meeting included the Kingston Declaration (Annex 4), the Children’s Declaration (Annex 2) and the Regional Roadmap for actions (Annex 6). The meeting was instrumental in reaffirming the importance of the recommendations of the UN Study in directing concrete plans and strategic actions guided by international and human rights instruments and in accelerating and monitoring progress in implementing, preventing and responding to violence against children in the region. Chapter IV will present an overview of the international, sub-regional and regional systems and instruments that contribute toward a framework for action before reporting on the progress made in relation to the prioritised UN Study recommendations in addressing violence against children in the region.
Chapter IV: SUB REGIONAL, REGIONAL AND INTERNATIONAL SYSTEMS FOR THE PROTECTION OF CHILDREN’S RIGHTS
A. International Systems

On becoming party to various treaties, the 193 Member States of the United Nations are expected to adhere to the specific obligations to respect, protect and fulfil the rights recognised therein and to take all the necessary steps for their implementation. All rights, to some degree, entail obligations of an immediate kind, such as the obligation not to discriminate in the realisation of the right in question. However, in the case of economic, social and cultural rights, obligations can also be of a progressive kind, the realisation of the right being subject to available resources. The obligation to respect the human rights of all people within a jurisdiction requires States Parties to abstain from any conduct or activity that violates human rights. This obligation requires States to ensure that human rights are fully respected in State policies, laws and actions, and by public officials.

The International Bill of Rights is made up of: the Universal Declaration of Human Rights (1948) - listing all of the inherent and inalienable rights that all human beings should enjoy; the International Covenant on Economic, Social and Cultural Rights (ICESCR of 1966) - which awards special protection to children and young people from social and economic exploitation; and the International Covenant on Civil and Political Rights (ICCPR of 1966) and its Optional Protocols - which focus on children’s rights under the child justice system, and children are entitled to all of the rights spelt out in these treaties.

The Convention on the Rights of the Child (CRC of 1989) provides the most complete framework for children’s rights; it addresses the civil, political, economic, social and cultural rights of children, and functions as a legal instrument binding governments to promote and protect the rights of children. The CRC Optional Protocols apply to areas such as: the Rights of the Child and on the involvement of Children in Armed Conflict (OPAC, 2000), the Sale of Children, Child Prostitution and Child Pornography (OPSC, 2000), and a Communications Procedure (OPCP, 2013), and these are also highly relevant to the promotion of child rights, the prevention of violence against them and their protection from this. States are bound by the articles and obligations set out in this treaty and undertake to be guided by its major principles of non-discrimination, adherence to the best interests of the child while ensuring the right to life, survival and development, and respect for the views of the child participation.

The ICCPR, ICESCR, the CRC and six other international treaties constitute the core UN human rights treaties. These are all relevant to the promotion of children’s rights, protection from all forms of neglect, abuse, exploitation (including exploitative child labour) and violence, and the prevention of this. Table 2 shows an overview of subscription to these treaties in the region.
TABLE 2: CORE INTERNATIONAL TREATIES RATIFIED BY GOVERNMENTS IN THE REGION AND THE UK

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The core treaties have Optional Protocols established to address specific areas of concern, and each has a Committee of Experts to monitor implementation of the relevant treaty provisions by States Parties.

Several UN treaty bodies have adopted General Comments or recommendations that outline States’ obligations to address violence against children. The Committee on the Rights of the Child has issued several General Comments relating to the protection of children from violence: No. 13 ‘The right of the child to freedom from all forms of violence’, 2011; No. 12 ‘The right of the child to be heard’, 2009; No. 11 ‘Indigenous children and their rights under the Convention’, 2009; No. 10 ‘Children’s Rights in Juvenile Justice’, 2007; No. 9 ‘The rights of children with disabilities’, 2006; No. 8 ‘The right of the child to protection from corporal punishment and other cruel and degrading forms of punishment’, 2006; and No. 6 the ‘Treatment of unaccompanied and separated children outside their country of origin’, 2005.

Table 3 shows an overview of other major treaties relating to violence against children (some of which have also established Protocols or Guiding Principles) ratified by the countries under discussion.

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TABLE 3: OTHER RELEVANT INTERNATIONAL TREATIES RATIFIED BY GOVERNMENTS IN THE REGION AND THE UK

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* All 17 countries are parties to Additional Protocols I and II. Only Belize, Guyana and the UKCOTs are parties to Additional Protocol III.

Within the United Nations, several non-binding instruments or rules and guidelines have been adopted that are specific to children in institutional care: the Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, 1985); the Prevention of Juvenile Delinquency (the Riyadh Guidelines, 1990); and Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules, 1990). The 1993 United Nations Declaration on the Elimination of Violence against Women also addresses the issue of violence against women and girls.

The UN General Assembly’s Special Session on children in 2002, specifically addressed violence against children in its ‘A World Fit for Children’ declaration, but this issue has also been addressed over the years at various UN World Conferences.

Another pertinent UN body is the Human Rights Council created by the UN General Assembly under resolution 60/251 on 15 March 2006. The first session was held in June 2006 and a year later, the Council adopted an ‘Institution-building package’ to guide work and set up procedures and mechanisms. The mechanisms established include the Advisory Committee which serves as the Council’s ‘think tank’ providing it with expertise and advice on thematic human rights issues, the Complaint Procedure which allows individuals and organisations to bring human rights violations to the attention of the Council and the UPR mechanism which serves to assess the human rights situations in all United Nations Member States. The stated objectives of the UPR are “the improvement of the human rights situation on the ground; fulfilment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State; the enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned; the sharing of best practice among States and other stakeholders;”

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support for cooperation in the promotion and protection of human rights; and, the encouragement of full cooperation and engagement with the Council, other human rights bodies and OHCHR”.

**B. Regional Systems**

The international framework is reinforced by treaties adopted regionally by the Council of Europe, the European Union, the Organisation of American States and the African Union, and by mechanisms established to monitor and enforce them. The independent Caribbean countries became members of the Organisation of American States on the basis of their geo-political status, while the United Kingdom takes responsibility for the implementation of treaties ratified on behalf of its Caribbean Overseas Territories under the European Union system. Treaties under this latter system will not be discussed in this assessment.

**The Commonwealth**

The 54-member Commonwealth organisation, which was reconstituted in 1949, focuses on the promotion of “democracy, democratic processes and institutions”, equal rights for women and universal access to education and on the protection of “fundamental human rights”. These principles are spelt out in the Harare Declaration of 1991. The promotion and protection of these rights are monitored by the Commonwealth Human Rights Initiative (CHRI), which is an independent, non-partisan, international non-governmental organisation. There are no Commonwealth treaties per se that require Member States to monitor and report on the implementation of human rights, but the Commonwealth Secretariat urges all of its Members to honour the international treaties they have ratified.

**The Organisation of American States (OAS)**

The OAS was founded in 1948 by the 21 nations that signed the OAS Charter and adopted the American Declaration of the Rights and Duties of Man. This was the first world-wide instrument listing human rights and urging their protection. All 35 of the independent countries in the Americas are now Member States having ratified the Charter.26

The two main institutions for the protection and promotion of human rights in the Americas are the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights. The Commission was created by the OAS in 1959 (Resolution VII) to oversee petitions made by an individual or a legally recognised group or NGO against a Member State regarding any human rights abuse. The Inter-American Court was established in 1978 when the American Convention on Human Rights entered into force. For a case involving any State to be heard, the State must ratify the American Convention on Human Rights and accept the optional contentious jurisdiction of the Court.27 Table 4 lists the relevant regional human rights treaties ratified by governments of the region.28

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27 Ibid.
TABLE 4: RELEVANT REGIONAL TREATIES RATIFIED BY GOVERNMENTS

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<tr>
<td>Antigua and Barbuda</td>
<td>1981</td>
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<td>2005</td>
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<td>1998</td>
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<tr>
<td>Dominica</td>
<td>1979 1993</td>
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<tr>
<td>Grenada</td>
<td>1975 1978</td>
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<td></td>
<td>2000</td>
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<tr>
<td>Guyana</td>
<td>1991</td>
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<tr>
<td>Haiti</td>
<td>1950 1977</td>
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<td>1997 2009</td>
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<tr>
<td>Jamaica</td>
<td>1969 1978</td>
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<td>2005</td>
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<tr>
<td>St. Kitts-Nevis</td>
<td>1984</td>
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<tr>
<td>St. Lucia</td>
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<tr>
<td>St. Vincent &amp; Grenadines</td>
<td>1961</td>
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<td>1996</td>
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<tr>
<td>Trinidad &amp; Tobago</td>
<td>1967 1991</td>
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<td></td>
<td>1996</td>
</tr>
</tbody>
</table>

In accordance with Article 64(1) of the American Convention, the Court can issue advisory opinions on the protection of human rights at the request of a State or an organ and one good example of such an opinion is that referring to “the judicial status and human rights of the child” (Advisory Opinion OC – 17/2002 of August 28, 2002).

In 2002, the IACHR requested an interpretation of Articles 8 and 25 of the American Convention, in an effort to determine whether the ‘special measures’ set out in Article 19 of the Convention can limit the ‘judgment and discretion’ of Member States with regard to children on specific issues such as: separating children from their family without due process; depriving abandoned children of their liberty, on the basis that they are prone to committing offences; accepting confessions in criminal proceedings without any due guarantees; holding judicial or administrative proceedings on the rights of a child without legal representation for the child; and holding such proceedings without guarantees for the child to be heard, or for their opinion to be given consideration (Advisory Opinion OC – 17/2002 of August 28, 2002, para. 3).

In the Advisory Opinion OC – 17/2002 of August 28, 2002, para. 137, the Court ruled that:
Study on the follow-up to the implementation of the UN Study on Violence against Children for the Caribbean

- The ‘best interests of the child’ as stipulated in Article 3 of the CRC are paramount to a child’s development and enjoyment of their rights;
- The principle of equality does not prevent States from treating children differently because of their special conditions, but this must be done in their best interest and for their protection;
- All efforts should be made to preserve the family and to allow children to remain with their families;
- Separation from the family should be an exception and should be on a temporary basis;
- Institutions where children are held should be adequately staffed and resourced;
- States must take positive steps to protect the rights of children in accordance with treaties they have ratified;
- The due legal process must be adopted in judicial and administrative procedures involving children;
- Children who have committed criminal offences must be tried in a different court to those for adults;
- Non-criminal cases should be dealt with differently but the due legal process must be respected;
- Alternative measures for resolving controversial issues involving children, must always protect the rights of the child.

Caribbean Community and Common Market (CARICOM)

CARICOM was established in 1972 by Commonwealth Caribbean leaders with revision of the Treaty started through an Inter-governmental Task Force to accommodate the single market and economy following the adoption of the report of the West Indian Commission. A final revised version was produced in 2001.30

In 1997, the Heads of Government of the Caribbean Community adopted the Charter of Civil Society (Annex 7) that addressed issues such as freedom of the press; democracy; respect for fundamental civil, political, economic, social and cultural rights; and the rights of women and children.31 Article 13(1)(b) addresses children’s right to be protected from economic and other forms of exploitation, while (1)(c) highlights the need for consultation with the child to ensure they have their views represented. Article 15 defines a ‘child’ as every person “below the age of 18”.

The 2001 Revised Treaty of Chaguaramas established several Councils including the Council of Human and Social Development (COHSOD), which is responsible for “the promotion of human and social development in the Community”. Under Article 17(2)(d), COHSOD is required “to establish policies and programmes to promote the development of youth and women in the Community with a view to encouraging and enhancing their participation in social, cultural, political and economic activities”.32 During are cent meeting in July 2012, COHSOD reviewed the Regional Framework for Action for Children and urged Member States to “review the existing mechanisms for the collection and use of social data sets to ensure that they were efficient and relevant to children and youth at the national level”. Within the context of UNSVAC, COHSOD also discussed the spiralling increase in violence within schools, sexual abuse of children in CARICOM countries and the need to classify Caribbean youths as “a most at risk population” for prioritisation in the response to the HIV/AIDS epidemic.33 Furthermore, the COHSOD Meeting mandated that specific studies

30http://www.caricom.org/jsp/community/revised_treaty.jsp?menu=community
be carried out in schools to help “inform policy and interventions” to address the problem of violence, reaching agreement for the adoption of a strategic approach to violence in schools focussed on: “the sharing of legislation and the development of model legislation, the development of a minimum set of anti-violence interventions and the identification and sharing of best practices on safe schools, safe spaces and safe community models”. The entity endorsed the proposal for a multi-stakeholder forum on school violence to advance a coordinated and holistic approach for addressing the issue. COHSOD re-affirmed the commitment of Member States to implement the recommendations of the United Nations study and agreed that Member States would work toward comprehensive violence prevention policies, plans and strategies for children within one year.

C. Sub-Regional Systems

Organisation of Eastern Caribbean States (OECS)

The OECS was established in 1981 in a treaty signed between seven Eastern Caribbean countries agreeing to cooperate and promote unity and solidarity among the Members. The OECS currently consists of Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Montserrat, St Kitts and Nevis, St Lucia, and St Vincent and the Grenadines. Anguilla and the British Virgin Islands are associate members.

The OECS Family Law and Domestic Violence Reform Project began in 2002 and forms part of the wider Judiciary and Legal Reform Project of the Eastern Caribbean Supreme Court (ECSC). The project focuses on harmonising legislation of its Member States to facilitate better access to justice and more effective and efficient resolution of matters relating to children and the family. The Model Family Bills produced to date include: the Child Justice Bill; Child (Care and Adoption) Bill; Domestic Violence Bill; Status of Children Bill; Status of Children (Parentage Testing Procedure).

Under the CARICOM regional and the OECS sub-regional systems, no specific reporting mechanism has been established to assist in the monitoring and evaluation of matters relating to youth and children with regard to the rights of the child. However, UN agencies based in the region such as UNICEF, UN Women, the UN Development Programme (UNDP), UN Population Fund (UNFPA), the International Labour Organisation (ILO), UN Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO), all work together with governments in the region to gather information and provide technical assistance as necessary.

Many of the major regional and sub-regional initiatives for the promotion of rights, and the development of preventative and protective measures for children, have been facilitated by UNICEF over the past years. These are:

The Belize Commitment to Action for the Rights of the Child resulting from a Conference on the Rights of the Child: Meeting the Post Ratification Challenge held in Belize City, October 7–10, 1996, where Governments made the commitment to:

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35 Ibid.
37 Ibid.
• Harmonise national laws with all human rights conventions to which countries are parties, including the Convention on the Rights of the Child, Convention on the Elimination of Discrimination Against Women, the Inter-American Convention for the Punishment, Prevention and Elimination of all forms of Violence Against Women (Convention of Belem do Para), with the active engagement of civil society.

• Enforce all laws protecting our children and families against discrimination of any kind, in compliance with the human rights conventions.

• Provide the police, judicial officers and other law enforcement agencies with the necessary level of personnel, training, public relations skills and sensitisation to child rights to enable them to relate appropriately to children.

• Establish or strengthen family courts or similar judicial institutions that will be supported with the funds necessary to ensure their effective management and be staffed with qualified and appropriate personnel.

• Provide alternatives to custodial sentences for persons under 18 years of age where this is appropriate and undertake rehabilitation programmes to help these persons re-enter mainstream society.39

The Kingston Consensus 2000 resulting from the Fifth Ministerial Meeting on Children and Social Policy in the Americas held in Kingston, Jamaica from October 9-13 in 2000. The document expressed concern about child exploitation in all its forms and called for: policies and actions to eradicate exclusion, discrimination and the lack of respect for human rights; increased participation of children in the decision-making on matters affecting them; and assurance of due process for children in conflict with the law. It also urged all countries to consider signing, ratifying and implementing all international legal instruments relating to the rights of children.


UNICEF facilitated a review of relevant laws, policies and practices in several countries, to assess their level of compliance with UN norms and standards such as: the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty40 in accordance with the recommendation of the Committee on the Rights of the Child that States undertake legal and policy reforms in the area of the administration of child justice.41


40 Committee on the Rights of the Child sixteenth session – Concluding Observations of the Committee on the Rights of the Child: Trinidad and Tobago – CRC/C/Add.82.
41 Ibid.
The meeting produced a Framework conceptualised on the basis of the commitments contained in the Kingston Consensus (2000), The Declaration of World Fit for Children (2002) and the Millennium Development Goals (2000) that required Member States to report on progress made in the implementation of children’s rights. The Framework was constructed on the six themes of: Early Childhood Development; Child Protection; HIV/AIDS; Education; Infant Mortality and Maternal Mortality. The child protection element underscored protection against abuse, exploitation, violence, child labour (including the worst forms), discrimination and neglect in all Member States.42

The Justice for Children Seminar held in St. Lucia from July 26–28, 2007. This meeting addressed the need for an improved system for the administration of child justice and advocated better treatment for child victims and witnesses of violence.

The Sub-Regional Follow-Up Meeting on the UNSVAC, held in Kingston, Jamaica from May 14–15, 2012 in a form similar to the other two meetings in the Americas: the South American Sub-regional Meeting in Paraguay and the Central American Sub-regional Meeting in the Dominican Republic. This meeting focussed on the following three themes:

- The development in each country of a national strategy to prevent and respond to all forms of violence (UNSVAC Recommendation 1)
- The introduction of legislation to prohibit all forms of violence against children (UNSVAC Recommendation 2), and
- The consolidation of data and research to inform progress in this area (UNSVAC Recommendation 11).43

Chapter V: GENERAL REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS
A. RECOMMENDATION 1: STRENGTHEN NATIONAL AND LOCAL COMMITMENT AND ACTION.

I recommend that all States develop a multi-faceted and systematic framework to respond to violence against children which is integrated into national planning processes. A national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to established targets and timetables, and provided with adequate human and financial resources to support its implementation.

Source: UNSVAC, 2006

This recommendation calls for the creation of coordination mechanisms at the national and local levels to support the protection of children against all forms of violence and the development of related comprehensive public policies, strategies and integrated plans. This section outlines how the region has responded to this call.

GENERAL REVIEW OF THE IMPLEMENTATION OF RECOMMENDATION 1

An Overview of the Public Policy Framework Targeted at Addressing VAC in Selected Caribbean Countries

The data presented in this section represent information gathered for the 12 countries. The sources consulted, such as the UNSVAC Country Progress Report Surveys (submitted by government officials and other key stakeholders) and other literature; suggest a generally insufficient pace of development toward a public policy framework targeting violence against children (VAC) across the region since 2006, especially considering that this is required as a foundation for other derivative programmes, procedures and interventions. Table 5 presents a map of existing policy frameworks in these countries.

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Please note that the information presented is not complete and is restricted to only 12 Countries (11 for which UNVAC Progress Report Surveys have been completed and 1, with data being supported from secondary sources). These countries are: Jamaica, Grenada, Dominica, St. Kitts and Nevis, Haiti, Trinidad and Tobago, St. Lucia, Anguilla, Dominica, St. Vincent and the Grenadines, Suriname, Belize and Barbados.
TABLE 5: MAP OF PUBLIC POLICY FRAMEWORK FOR SELECTED COUNTRIES

<table>
<thead>
<tr>
<th>Countries</th>
<th>Comprehensive Public Policy Framework Addressing VAC</th>
<th>Alternative System</th>
</tr>
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<tbody>
<tr>
<td>Jamaica</td>
<td>YES</td>
<td>-</td>
</tr>
<tr>
<td>Barbados</td>
<td>NO</td>
<td>Yes – Existing policy framework that considers the general protection of children</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>NO</td>
<td>-</td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>YES</td>
<td>Yes – Existing child abuse reporting protocols and guidelines</td>
</tr>
<tr>
<td>Dominica</td>
<td>NO</td>
<td>Yes – Sectoral response policies are in place</td>
</tr>
<tr>
<td>Haiti</td>
<td>NO</td>
<td>Yes – Other institutions such as the Ministry of Social Affairs and the Institute of Social Welfare and Research (IBESR) are mandated to protect children</td>
</tr>
<tr>
<td>Belize</td>
<td>YES</td>
<td>-</td>
</tr>
<tr>
<td>Suriname</td>
<td>NO</td>
<td>No – efforts being made to complete a comprehensive policy by 2012/2013</td>
</tr>
<tr>
<td>Grenada</td>
<td>NO</td>
<td>Yes – Sectoral response policies are in place</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>NO</td>
<td>Yes – There are mandatory reporting of all forms of VAC facilitated through the draft Protocol for the Management of Child Abuse and Neglect (April 2008)</td>
</tr>
<tr>
<td>Anguilla</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
<td>NO</td>
<td>Yes – Existing child abuse reporting protocols and guidelines</td>
</tr>
</tbody>
</table>

Source: Data retrieved from completed UNSVAC Country Progress Report Surveys that were submitted by key government officials and other stakeholders.

Only four of the 12 countries represented, namely: Jamaica, Trinidad and Tobago, Belize and Anguilla, have comprehensive, written and documented public policies to address violence against children. Of the remaining eight countries, seven have alternative systems to address violence against children in the form of reporting procedures and protocols, or sector response policies aimed at selected types of violence against children. The remaining country reported having no alternative systems but indicated that efforts are being made to formulate a final comprehensive policy by 2012/2013. Of all the 12 countries, Jamaica reported the most comprehensive and developed policy framework. In this respect, the development of public policies in Jamaica is guided by the nation’s drive to operate within the ambit of the MDGs, the UN CRC and its Optional Protocols. This integrated approach has led to the creation of several policies and action plans such as:

- National Framework of Action for Children (NFAC)\(^{45}\)
- National Plan of Action for Children (NPAC) 2011
- National Plan of Action for an Integrated Response to Children and Violence 2011-2016 (to close the gaps in the NFAC)
- National Policy for Persons with Disabilities\(^{46}\)
- National Plan of Action for Child Justice (NPACJ)\(^{47}\)
- The establishment of three key agencies; the Office of the Children’s Advocate, the Office of the Children’s Registry and the Child Development Agency which have arisen from the Child Care and Protection Act of 2004.

\(^{45}\)The NFAC is a product of collaboration across several state and non-governmental agencies, including the private sector, under the direction of a multi-sectoral steering committee. The design of the NFAC started in 2002, when subcommittees were formed to develop specific areas: budget, information, education and communication, healthy life, providing quality education, protection against violence, combating HIV/AIDS and the living environment.

\(^{46}\)The National Policy for Persons with Disabilities also addresses youths with disabilities caused by a variety of circumstances including violence. The Plan is not yet finalised but represents the State’s most recent attempt at coordinating inter-sectoral response to the urgent matter of violence against children. This five-year plan is designed to foster an environment that protects children from violence, abuse and exploitation; promotes diversion programmes and community or family based rehabilitation and reintegration of children in conflict with the law; and provides home/family based care for children without familial care.

\(^{47}\)The NPACJ is a comprehensive initiative framing multi-agency response to child justice that aims to develop and sustain a child-friendly justice system, a National Child Diversion Policy (NCDP), and a programme for the expansion of the family court facilities; the implementation of measures to assist young and vulnerable witnesses in giving evidence in a court of law; the establishment of boards of visitors in children’s correctional institutions; the strengthening of the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA); and the development of programmes for conflict resolution in schools, among other provisions.
Belize and Anguilla’s public policy frameworks to address violence against children are linked to National Plans of Actions (NPA) established to achieve specific objectives. For example, in Belize, the NPA represents a framework to further rationalise the delivery of sustainable services to Belizean children and adolescents, prioritising actions on behalf of children in the areas of education, health, child protection, HIV/AIDS, and family and culture. The NPAs are continuously implemented and ensures the well-being of children in Belize under the guidance of the country’s national development agenda, the CRC, and the MDGs.

**SUMMARISING THE TREND: PROGRESS AND GAPS**

A group of eight Caribbean Countries have non-existent or insufficient public policy frameworks, but from 2006, efforts have been made to develop mechanisms to mitigate the impact of the general short fall, seeking to galvanise a coordinated and integrated response to VAC. These mechanisms include:

- The development of draft or complete reporting protocols such as the 2011 National Child Abuse Protocol in Grenada.
- Reporting procedures such as the Child Abuse Management Procedure in Dominica: an inter-agency protocol for the processing of child abuse cases that ensures every abused child gets coordinated care from the Child Protection Agencies in response to the identified needs.
- The activities of a designated national agency for child protection such as that of Barbados, where the Child Care Board fulfils this role under policy direction guided by the CRC, the Child Care Board Act 1981 and other items of legislation.

Gaps in reporting and the limited sensitisation and awareness of reporting protocols and procedures among the general population present major hindrances to a comprehensive approach on strategies, policies and procedures targeting violence against children.

Similar challenges are usually faced by countries with weak or non-existent policies, and Haiti provides a case in point, where the challenges documented by the Organisation des Jeunes Filles en Action NGO revealed: an absence of administrative and financial structures, a lack of material resources, a lack of logistical support and infrastructure capable of meeting the needs of children, weak law enforcement against criminals and a lack of communication and awareness of the rights of children.

Similar challenges are usually faced by countries with weak or non-existent policies, and Haiti provides a case in point, where the challenges documented by the Organisation des Jeunes Filles en Action NGO revealed: an absence of administrative and financial structures, a lack of material resources, a lack of logistical support and infrastructure capable of meeting the needs of children, weak law enforcement against criminals and a lack of communication and awareness of the rights of children.

48 Source: Stakeholder interview conducted with Nadine Francois, Executive Director of the Organisation des Jeunes Filles en Action
Descriptions of Selected ProgrammesImplemented to Reduce or Prevent Violence Against Children

This section provides a description of some of the initiatives and activities implemented across the region to reduce or prevent violence against children. The implemented initiatives include: the hosting of sensitisation workshops to inform children and the public at large about the rights of the child; a dedicated calendar period (such as the month of the child) in countries such as Jamaica, Barbados and Trinidad and Tobago when consultations are held with several sectors to lobby on behalf of the child; the development of reporting hotlines to accommodate the voice of the child - a key example of which is ChildLine. Table 6 presents additional country-specific examples implemented:

TABLE 6: MAP OF INITIATIVES IMPLEMENTED TO REDUCE OR PREVENT VIOLENCE AGAINST CHILDREN

<table>
<thead>
<tr>
<th>Countries</th>
<th>Countries Initiatives and Activities Implemented to Reduce or Prevent VAC</th>
<th>Responsible Party(ies)</th>
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<tbody>
<tr>
<td>Jamaica</td>
<td>ANANDA ALERT – This is an emergency response system which addresses the growing number of children abducted in Jamaica. Developed in 2008, the system assists in the early location of missing children, to prevent their sexual abuse of the loss of life that sometimes results in such situations.</td>
<td>Government</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>Multi-Agency Task Force⁴⁹ – In July 2009 Cabinet agreed to the establishment of a Multi-Agency Task Force to oversee the implementation of the Nine-Month Plan to counter human trafficking in Trinidad and Tobago. Under the rubric of Prevention and Protection, the Plan called for the establishment of an informal working group that will eventually be formalised into a Multi-Agency Task Force. The Task Force commenced its work in September 2009. The Task Force produced a Policy Framework which was later used to inform the Trafficking in Persons Bill, 2011. This Bill was assented to on June 9, 2011 as Act No. 14 of 2011, and will take effect upon Proclamation. The Act gives effect to the Supplementary Protocol of the United Nations Transnational Organised Crime Convention: ‘The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’.</td>
<td>Government</td>
</tr>
<tr>
<td>Barbados</td>
<td>PEACE Programme⁵¹ – The Government of Barbados has developed an initiative called the PEACE programme (Personal Empowerment in Arts and Creative Education) as part of the national school curriculum, seeking to make the arts a more integral part of the lives of all children, and to use the arts as a means of helping to build a society based on a culture of peace, tolerance and respect for cultural diversity. The programme extends across age groups beginning with children in nursery school. At this level, for example, the programme uses creative expression to effectively communicate thoughts and feelings and to enhance personal and social development, as well as use dramatic activity to help children comprehend mathematical concepts and transfer knowledge to problem-solving and decision-making experiences. It seeks to inculcate in these young children such values as consideration, respect, responsibility, punctuality, patience, cooperation, courtesy, order, time management, self-expression, creativity, and accuracy among others.</td>
<td>Government in collaboration with other stakeholders</td>
</tr>
<tr>
<td>Haiti</td>
<td>Call Centre (511) – This is an initiative where cases of violence, abuse, exploitation, neglect or family separation are referred to respective services with the national child protection agency IBESR or any of its NGO partners working to provide adequate services in particular areas.</td>
<td>Supported by UNICEF and Save the Children</td>
</tr>
<tr>
<td>Dominica</td>
<td>Dominica CHANCES⁵² - This is a residential home facility that caters for children from 0-18 years old, who are housed for up to 6 months to a year, after which they are placed in foster homes. Entry into the home may result from either: (i) emergency placements or (ii) planned placements. Emergency placements are initiated by the police or a social worker; planned placements are initiated by a social worker through the court system, where an assessment is carried out and children are placed accordingly.</td>
<td>Supported by UNICEF and Save the Children</td>
</tr>
</tbody>
</table>

Source: own elaboration

⁵⁰Paper presented at the “Regional Meeting on the Prevention, Protection and Restoration of the Rights of Children & Adolescents Against Sexual Exploitation in the Caribbean” on July 6-7, 2011 by: Aileen Bruce, Ministry of People and Social Development.
⁵¹Barbados response to the UNVAC Country Progress Report Survey
An Overview of Coordination Mechanisms of Child Protection Systems

Coordination efforts in the region are apparent but are hampered by a plethora of challenges. The common themes defining coordination levels across the Caribbean are:

- Cross ministerial and departmental synergies (at the State level) such as the coordinated approach by three key agencies in Jamaica: the Child Development Agency, the Office of the Children’s Registry and the Office of the Children’s Advocate. This approach is integral to the success of programmes addressing violence against children, especially as the role of each entity compliments the others.
- Public-private partnerships between governments and the private sector (e.g. media).
- Collaboration between NGOs (including community-based organisations [CBOs]) and the government.
- Partnerships between the private sector and non-governmental organisations.
- Partnerships between international partners and local government or NGOs where funding, in kind support or technical assistance is provided.

The Honourable Lisa Hanna’s Key note presentation at the recently held UNSVAC Sub-regional Meeting (May 14-15, 2012)
### TABLE 7: MAP OF COORDINATING MECHANISMS ADDRESSING VIOLENCE AGAINST CHILDREN IN SELECTED COUNTRIES

<table>
<thead>
<tr>
<th>Countries</th>
<th>Coordinating Mechanisms</th>
<th>Involved/Responsible Parties**</th>
<th>Challenges to Coordination/Needs to Close Gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jamaica</td>
<td>Yes</td>
<td>Government, selected NGOs and CBOs</td>
<td>Difficulty creating synergies with civil society partners and coordination among implementing agencies is sometimes ineffective.</td>
</tr>
<tr>
<td>Barbados</td>
<td>Yes</td>
<td>Committee for Monitoring the Rights of the Child (CMRC)—Committee members include: government, NGOs, youth, the disabled, social services and the media</td>
<td>Inadequate resource base of the CMRC</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>Yes</td>
<td>National Plan of Action for Children but focus on coordination efforts is linked to Commercial Sexual Exploitation of children</td>
<td>No information provided</td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>Yes</td>
<td>Directorate of the Child Abuse Protocol, Child Protection Act 2010 (an established, working collaboration with national, regional and international organisations that support children)</td>
<td>There are no legal or administrative policies promoting independent children rights’ institutions or equivalents</td>
</tr>
<tr>
<td>Dominica</td>
<td>Yes</td>
<td>Ministry of Social Services, Community Development and Gender Affairs, UNICEF and other NGOs</td>
<td>A more coordinated approach is needed to enable greater participation of NGOs</td>
</tr>
<tr>
<td>Haiti</td>
<td>Yes (somewhat)</td>
<td>IBESR fills this role through its regional offices and departmental representatives⁵⁴</td>
<td>No information provided</td>
</tr>
<tr>
<td>Belize</td>
<td>Yes</td>
<td>National Committee for Families and Children (NCFC), Trafficking in Persons Task Force, National Council on Community Services and Crimes Commission</td>
<td>No information provided</td>
</tr>
<tr>
<td>Suriname</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>Nothing formal</td>
<td>Government and RISE⁵⁵</td>
<td>RISE, an NGO in St. Lucia reported that there was no visible progress in this regard</td>
</tr>
<tr>
<td>Anguilla</td>
<td>Yes</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
<td>NA</td>
<td>Government (Department of Probation and Child Protection Services), the Police and Private Sector</td>
<td>UNVAC Country Progress Report suggested that there is room for improvement but no specifics mentioned.</td>
</tr>
</tbody>
</table>

⁵⁴ At the national level, IBESR coordinates the activities of child protection actors through a working group on vulnerable children (GTEV) held twice a month. The working group was initiated as a mechanism to coordinate Family Tracing and Reunification activities after the earthquake and was initially co-chaired by UNICEF and Save the Children. In 2011, the working group was entirely chaired by IBESR and its mandate was expanded to include all categories of vulnerable children. The GTEV is being expanded to department level and all departments are planning to host monthly coordination meetings by 2013.

⁵⁵ There are formal and informal information-sharing procedures established but no institutionalised coordination mechanisms exist.
Table 7 shows a wide and varied range of coordination efforts and mechanisms for the 12 countries, with 10 reporting such mechanisms in place. Only St. Lucia reported having no coordination mechanisms, although the data for Anguilla is not yet available.

**SUMMARISING THE TREND: PROGRESS AND GAPS**

It is clear that the mechanisms for coordination are achieved through a collaborative approach in all of the countries where these exist. Despite the evidence of successes in coordination, some challenges remain to be addressed, including:

1. Ineffective coordination among implementing agencies. For example, in Jamaica, the OCR’s main responsibility is to accept reports of known and suspected cases of abuse and refer them to the OCA and the CDA. However, the OCR reports that there is a response time lag on the part of the OCA and the CDA, which ultimately compromises the OCR’s ability to monitor trends in child abuse.

2. Limited coordination at the inter-ministerial level and an absence of coordination between government and NGOs.

3. Very little coordinated efforts to streamline the reporting process (for instance in Grenada), and often lack of clarity with respect to the agency with responsibility for coordination.

**Case Study – National Youth Policy (Trinidad and Tobago)**

Under the jurisdiction of the Government of Trinidad and Tobago, the Ministry of Sport and Youth Affairs produced the National Youth Policy (NYP). This document embodies the current situation with youth in Trinidad and Tobago and provides objectives of where they want youth to be and action plans as to how the country plans to get there. The policy defines youth as persons aged 12 to 29 years (but targets children 12-17 years) with the period of youth ‘defined as beginning at some point between ages 11 and 13 years. This document extremely important as it promotes “Participation and Inclusion” as 1 of the 8 core themes. Especially significant is Policy Vision and Goal 1 which states:

a. **Vision:** “empowered young people who are able to make informed choices so that they can lead meaningful enjoyable lives and contribute to the sustainable development of TT” (pg. 5).

b. **Goal 1:** “An empowered young person with positive values who can use acquired knowledge and skills to make informed choices while meaningfully participating in problem solving and decision making at family, community and national levels” (pg. 37).

These provisions place Article 13 of the CRC at the very core of youth development. The NYP’s endorsement of youth participation is further epitomised in action plans that focus on the development of a National Youth Assembly and support to the Youth Councils in the “eXpression” Project which gives youth an active voice. The most profound feature of the NYP is that it was indirectly authored by young people after their input was solicited through nation-wide youth consultation drives. The most recent consultations were held in 2010 through the Youth Consultation Programme hosted by the Ministry of Sport and Youth Affairs.

Source: Darmanie, 2010 - Trinidad and Tobago’s News Day.
PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF RECOMMENDATION 1

The incidence of child participation is of great importance in issues that approach violence against children, especially considering that they are the direct targets of the acts perpetrated and that the world of a child is best seen and understood by the child. The current situation in the region shows there are serious constraints on efforts to promote the active voice of the child relative to Recommendation 1. While most governments across the region actively promote and encourage the participation of children at the local and national levels through several initiatives, the level of their involvement is limited to specific activities, and participation geared towards UN Recommendation 1, with some examples of child participation related to Recommendation 7, including:

• Participation of children in awareness-building initiatives relevant to the CRC at the design and mobilisation stage in forums such as debates, essay writing, art competitions and the development of child-friendly materials similar to those used in Jamaica, Dominica and St. Kitts and Nevis.

• Involvement of children’s voices in the development of national policies or legislation affecting them via consultations, for example, the children’s parliament public speaking forum in Jamaica and St. Kitts and Nevis.

In Grenada, the involvement or consultation of children in advocacy is reported to be virtually non-existent and it is the NGOs that are responsible for much of the participation. In other active settings, such as in Trinidad and Tobago, child participation is taken to a higher level and the National Youth Policy\textsuperscript{56} can be held up as an example of good practice due to the involvement of children in creating the process and the document (even though children younger than 12 are excluded from the policy).

\textsuperscript{56}National Youth Policy up for Discussion Again. Trinidad and Tobago News Day online media release. Downloaded from: http://www.newsday.co.tt/politics/print,0,125688.html on May 7, 2012 (G. Damanie 2010)
B. RECOMMENDATION 2: PROHIBIT ALL VIOLENCE AGAINST CHILDREN.

I urge States to ensure that no person below 18 years of age should be subjected to the death penalty and sentences of life imprisonment without possibility of release. I recommend that States take all necessary measures to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, and take the appropriate legal measures to convert them into penalties in conformity with international human rights standards. Death penalty as a sentence imposed on persons for crimes committed before the age of 18 should be abolished as a matter of highest priority. I urge States to prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation and so-called honour crimes, sexual violence, torture and other cruel, inhuman or degrading punishment and treatment, as required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. I draw attention to General Comment No. 8 (2006) of the Committee on the Rights of the Child on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19. 28, para 2 and 37, inter alia) (CRC/C/GC/8).


GENERAL REVIEW OF THE IMPLEMENTATION OF RECOMMENDATION 2

This review is based on the responses submitted by the 11 countries, and is supplemented by relevant legislation where necessary.

Achievements since 2005

All CARICOM countries have ratified the CRC, CEDAW, ILO 182, the Geneva Conventions and Protocols I and II, the OAS Charter, and the IACHR Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para).
A total of nine of the 11 countries that responded to the Global Progress Survey have ratified the nine relevant international treaties, including three ratifications in the UK Caribbean Overseas Territories, including Anguilla. It should be noted that since 2005: Guyana (2010), Jamaica (2011), Grenada (2012) and Suriname (2012) have either ratified or acceded to the CRC Optional Protocol on the sale of children and St Lucia has signed it; and two relevant regional treaties have been ratified by Jamaica and Haiti. This is commendable, and in keeping with the overarching UNSVAC Recommendation 12 to “strengthen international commitment”, but none of the Caribbean countries has yet signed the third CRC Optional Protocol on a Communications Procedure.

Many countries in the region have passed comprehensive Acts on children; seven of the eleven responding countries have Child Acts and Suriname currently has a Children’s Bill which should soon be enacted. Each of the 11 countries has legislation for the prohibition and prevention of violence against children, protecting children from most forms of violence, abuse, neglect or negligent treatment and exploitation. They all have several pieces of legislation in some form to punish perpetrators of violence against children, applying equally to all children, including non-citizens and stateless children and prohibiting the sexual exploitation, sale or trafficking of children.

Challenges

Some countries still need to ratify relevant international and regional human rights instruments that provide protection for children. For instance, only six of the 11 countries that participated in the survey have ratified the American Convention on Human Rights, while only Suriname has ratified the 1988 IACHR Additional Protocol on Economic, Social and Cultural Rights.

57Belize(1), Grenada(2), Haiti(4), Jamaica(3), St. Kitts and Nevis(2), St. Lucia(1), St. Vincent & the Grenadines(5), Suriname(4).
58Belize(1), Grenada(2), Haiti(4), Jamaica(3), St. Kitts and Nevis(2), St. Lucia(1), St. Vincent & the Grenadines(5), Suriname(4).
60The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, Optional Protocol to the CRC on the Sale of Children, the CRPD and the CTOC.
61The Convention on the Punishment and Eradication of Violence Against Women (Convention of Belem do Para), and the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.
63On 19 December 2011, the UN General Assembly approved an optional protocol on a Communications Procedure, which will allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols.
64Barbados, Belize, Dominica, Grenada, Jamaica, St. Lucia, and St. Vincent & the Grenadines.
65Barbados, Dominica, Grenada, Haiti, Jamaica and Suriname.
A lack of political will, a shortage of human and financial resources and the need for capacity building and technical assistance, make it difficult for States to honour their obligations under the CRC even though this was ratified by all countries between 1990 and 1995. The major problems are: variations in the definition of the term ‘child’; low age of criminal responsibility; forced and early marriages and bonded labour; corporal punishment; death penalty and life imprisonment; violence in the workplace; and sexual violence.

1. Variations in the definition of the term ‘child’:

While the age of majority is generally 18 years, the definition of ‘child’ varies throughout the region according to the context in which it is used in each statute. This inconsistency in the definition leads to confusion and is not in keeping with the definition spelt out in Article 1 of the CRC, which defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. Among the countries under discussion in this study, the definition of ‘child’ varies from 14 to 21 years.

A child may also be known as a ‘juvenile’ between the ages of 11 to 18 years or as a ‘young person’ between the ages of 12 to 18 years. This means that a group of children are unable to benefit from the protection measures provided under the laws governing the child justice systems in some countries.

TABLE 8: DEFINITION OF ‘CHILD’ IN THE CARIBBEAN

<table>
<thead>
<tr>
<th>Country</th>
<th>Child 14 – 21 years</th>
<th>Juvenile 11 – 18 years</th>
<th>Young Person 16 – 18 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anguilla</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barbados</td>
<td>16</td>
<td>11-16</td>
<td>16-18</td>
</tr>
<tr>
<td>Belize</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>Under 14</td>
<td>Under 18</td>
<td>14-18</td>
</tr>
<tr>
<td>Grenada</td>
<td>Under 18</td>
<td>Under 16</td>
<td>16-18</td>
</tr>
<tr>
<td>Haiti</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jamaica</td>
<td>16-18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Kitts-Nevis</td>
<td>Under 18</td>
<td>Under 18</td>
<td>14-18</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>Under 16</td>
<td>Under 16</td>
<td>12-16</td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>Under 16</td>
<td>Under 16</td>
<td>14-16</td>
</tr>
<tr>
<td>Suriname</td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dominica (less than 14 years) – Children and Young Persons Welfare Act; St. Vincent & the Grenadines (under 14 years) – Juveniles Act; Suriname (21 years) – Civil Code; Barbados (16 years) – the Child Care Board Act; St. Lucia (under 16 years) – UN CRC Report, 2004; Anguilla (18 years) – UN CRC Report, 2007; Belize (18 years) – Families and Children Act Rev. 2000; Grenada (under 18 years) – CRC Progress Report on Grenada 2007; Haiti (18 years) – the Constitution; Jamaica (under 18 years) – Child Care and Protection Act; St. Kitts and Nevis (under 18 years) – UN CRC Report 1997; Suriname (21 years) – Civil Code.

Barbados (11 to 16 years) – the Child Care Board Act; Grenada (under 16 years) – CRC Progress Report on Grenada 2007; St. Lucia (under 16 years) – UN CRC Report, 2004; St. Vincent and the Grenadines (under 16 years) – Juveniles Act; Dominica (under 18 years) – Children and Young Persons Welfare Act; St. Kitts and Nevis (under 18 years) – UN CRC Report, 1997.

St. Lucia (between 12 to 16 years) – UN CRC Report 2004; St. Vincent and the Grenadines (between 14 to 16 years) – Juveniles Act; Dominica (14 to 18 years) – Children and Young Persons Welfare Act; St. Kitts and Nevis (between 14 to 18 years) – UN CRC Report 1997; Barbados (16 to 18 years) – the Child Care Board Act; Grenada (over 16 and under 18 years) – CRC Progress Report on Grenada, 2007.
2. Low age of criminal responsibility:

The age of criminal responsibility among the 11 countries varies from as low as 7 in Grenada to 13 years in Haiti. This results in some children being criminalised at an earlier stage of their lives than others. The doli incapax principle, according to which the young person must have awareness that what he or she was doing was wrong, is also applied by the courts. Article 40(3)(a) of the CRC leaves each Member State to establish a minimum age below which children “shall be presumed not to have the capacity to infringe the penal law”. The Committee on the Rights of the Child is of the opinion that a minimum age of criminal responsibility below 12 years is not “internationally acceptable”, since children are not emotionally, mentally and intellectually mature at this stage of their lives, and it actively encourages States Parties to increase this minimum age to 12 years as the absolute minimum, and “to continue to increase it to a higher age level”.  

3. Forced and early marriages and bonded labour

Although the surveys indicated that there are no harmful practices in the region, parental consent to very early marriages (14 or 15 years in some countries) and to domestic labour in Haiti (where children as young as 12 years from poor families are placed in unregulated domestic labour with economically well-off families) could be determined as such.

4. Corporal punishment

No country in the region prohibits corporal punishment in the home and corporal punishment in schools is only prohibited in five of the countries: Anguilla, Belize, Haiti, and Suriname, and for children over the age of 6 years only, Jamaica.

TABLE 9: STATUS OF CORPORAL PUNISHMENT IN THE REGION

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibited in Schools</th>
<th>Prohibited in the penal system</th>
<th>Prohibited in alternative care settings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>As sentence for crime</td>
<td>As disciplinary measure</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anguilla</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Barbados</td>
<td>NO</td>
<td>NO</td>
<td>“SOME”75</td>
</tr>
<tr>
<td>Belize</td>
<td>YES</td>
<td>“SOME”76</td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>NO</td>
<td>NO</td>
<td>“SOME”77</td>
</tr>
<tr>
<td>Grenada</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Haiti</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Jamaica</td>
<td>“SOME”79</td>
<td>YES78</td>
<td>YES</td>
</tr>
<tr>
<td>St. Kitts-Nevis</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Suriname</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

Source: End corporal punishment website

68 Paragraph 32, General Comment No. 10 (2007), CRC/C/GC/10, 44th Session.
69 The age of consent for marriage in Belize is 14, but parental consent is required for persons between 14 to 18 years according to the Marriage Act Rev. 2000; in Haiti, the Constitution has fixed this age at 15 for girls and 18 for boys; in St. Vincent and the Grenadines, the Marriage Act fixes this age at 14 for girls and 16 for boys; in Suriname, it is fixed at 15 for girls and 17 for boys with parental consent required for children up to 21 years old. However, the Asian Marriage law of Suriname lowers the age of consent for marriage to 12 for girls and 15 for boys –see Comparative Criminology http://www-rohan.sdsu.edu/faculty/rwinslow/samerica/suriname.html Accessed 21 August 2012.
70 According to UNICEF’s office in Haiti, some child domestic workers are younger than 12 years.
71 Refer to the Global Initiative to End Corporal Punishment (GIEPC) for all information in Table 9 www.endcorporalpunishment.org Accessed 18 August 2012.
72 According to UNICEF’s Regional Child Protection Adviser for Latin America and the Caribbean, the law of Haiti is very vague and does not clearly prohibit corporal punishment in the home.
73 Not explicitly prohibited.
74 Prohibited in state-arranged foster care and pre-school settings, and in day care centres and children’s residential centres run by the Child Care Board, but lawful in private foster care.
75 Prohibited in “Youth Hostel” detention centre but lawful in other penal institutions.
76 Prohibited in residential care facilities and in day care centres.
77 Prohibited in early childhood education facilities.
78 Prohibited in child care homes by licensing requirements.
79 Prohibited in schools for children up to age 6.
80 Ruled unconstitutional in 1998; bills to repeal laws providing for judicial corporal punishment under discussion (2010).
81 Some legislation still to be repealed; bill to achieve this is currently under discussion (2010).
5. Death penalty and life imprisonment:
Table 10 shows survey results on the imposition of the death penalty and life imprisonment as a sentence for crimes committed by children below 18 years.

**TABLE 10: STATUS OF CAPITAL PUNISHMENT AND LIFE IMPRISONMENT AS SENTENCES FOR CRIMES PERPETRATED BY CHILDREN IN THE REGION**

<table>
<thead>
<tr>
<th>Country/Territory</th>
<th>Capital punishment as a sentence for crimes</th>
<th>Life imprisonment as a sentence for crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anguilla</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Barbados</td>
<td>NO</td>
<td>NO (children are held indeterminately in prison, but the Survey indicated that the law prohibits life imprisonment for children)</td>
</tr>
<tr>
<td>Belize</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Dominica</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Grenada</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Haiti</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Jamaica</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>St. Lucia</td>
<td>N/A</td>
<td>YES</td>
</tr>
</tbody>
</table>

It should be noted that although life imprisonment is prohibited in almost all of the countries that responded to the survey as a sentence for crimes committed by children below 18 years, children are still detained indeterminately at the pleasure of the President, Governor-General or Her Majesty in Antigua, the Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago.

6. Violence in the workplace:
Children in the Caribbean are working both legally and illegally in hazardous conditions, which is a form of violence in itself. In addition, they are often subjected to further violence. Of the 11 countries, only St. Lucia and Suriname have not ratified ILO Convention 138 on the minimum age for admission to employment and work. However, those countries that have ratified the Convention do not seem to be enforcing it in an adequate and effective manner. Anguilla, Belize, Dominica, Haiti, Jamaica and St. Vincent have set the minimum age for admission into employment at either 14 or 15 years despite the fact that Article 2 of the Convention, which they have all ratified (Anguilla, through the UK), requires that this age be fixed at 16 “under strict conditions” for developing countries for “any work which is likely to jeopardise children’s physical, mental or moral health, safety or morals”. As was noted in point 3, the traditional cultural practice of using children as young as 12 for domestic labour in Haiti\(^2\) could fall into the category of “the worst forms of child labour” as prohibited under ILO Convention 182 ratified by the UK and all independent CARICOM countries, including Haiti. Girls working in the unregulated area of domestic labour are commonly subjected to maltreatment, humiliation, sexual harassment and abuse.

\(^2\)It should be noted that 12 year old children are allowed to work as domestic labourers under Haitian law. The 1984 Labour Code prohibits children under 15 years of age from working in industrial, agricultural, or commercial enterprises, and establishes 12 years as the minimum age for domestic work and 14 as the minimum age for apprenticeships –see [http://www.dol.gov/ILAB/media/reports/ctlp/tda2001/haiti.htm](http://www.dol.gov/ILAB/media/reports/ctlp/tda2001/haiti.htm) Accessed 1 October, 2012.
7. Sexual violence:

WHO figures state that one in ten children in the Caribbean is abused. This is an alarming trend. Of these, 40% are abused by parents or step-parents, 25% by relatives and 10% by strangers. Research in the region has also identified links between sexual abuse and poverty, poor parental supervision, paedophilia, a low prosecution rate and the widespread accommodation of the commercialisation of sex as a tourist attraction – including the commoditisation of sex with both boys and girls (Singh, 2012:13). There are emergent trends of sexual exploitation such as the soliciting of children for prostitution, the use of children in pornography and an increasing incidence of the sexual abuse of infants (Singh, 2012:29).

In most cases, the laws governing sexual violence are disparate and archaic, and in urgent need of reform. In all of the 11 responding countries, rape is a statutory offence for girls below the age of 13 or 14, but the sexual abuse of boys is not legally recognised. There is disparity in sentencing for statutory rape, where lighter sentences are given for the rape of younger children. Perpetrators of statutory rape can also use the defence of “honest belief”, “reasonable belief” or the “young person’s defence” claiming that they did not know the child could not legally consent to sexual intercourse. The expanded definition of rape is not applied in all countries, and ‘sexual intercourse’ is the sole requirement for a sexual offence in most of the countries. The varying age of consent to sexual activity is also problematic, since it creates challenges with respect to the protection of persons under 18 years old.

Courts and the child justice system in the Caribbean are a source of trauma for child survivors of sexual violence. For the most part, the courts are not child-friendly. Research showed that almost all the responding countries make use of in-camera hearings, but only Dominica and Grenada use video recording technology (Singh, 2012: 34). Research also indicates that, magistrates in all countries (except for Haiti where no information is available) are failing to make use of Domestic Violence legislation to remove the perpetrator from the home where a violent offence is committed, preferring to apply the Child Protection Act to remove the child from their home (Singh, 2012, p.34).

SUMMARISING THE TREND: PROGRESS AND GAPS

The countries that responded to the survey have obviously made many positive steps with regard to the ratification of international treaties and the enactment of new legislation. However, it is clear from this general review that legislation on its own cannot resolve all of the problems related to the prohibition and prevention of violence and the protection of children from this. The respondent countries (excluding Grenada, Haiti, St. Vincent and the Grenadines and Suriname where no information is available) reported an absence of legislation on special protection measures for children with disabilities (i.e. those who are mentally and physically

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84Anguilla, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts-Nevis, St. Lucia, St. Vincent & the Grenadines and Suriname.
85In Belize, Grenada, Jamaica, St. Kitts-Nevis, St. Vincent & the Grenadines.
86In Grenada, the “honest belief” defence is available for statutory rape of females between 16 and 18 years under the Criminal Code; in Jamaica, it is available for a female between 16 and 18 under the Sexual Offences Act; in St. Kitts and Nevis, this defence is available if the perpetrator thought that the girl was above 16 years under the Criminal Law (Amendment) Act; the defence is available in St. Lucia under the Criminal Code Rev.; and in St. Vincent and the Grenadines under the Criminal Code 1990.
87The Sexual Offences Act of Jamaica expanded the definition of rape to include sexual acts other than “sexual intercourse”. The Sexual Offences’ Acts of Barbados, Belize, and Dominica list sexual acts other than “sexual intercourse” as an offence of “serious indecency” or “indecent assault”. St. Lucia, St. Kitts and Nevis, and St. Vincent & the Grenadines list rape as an offence requiring “sexual intercourse” respectively under the Criminal Code, the Criminal Law (Amendment) Act, and the Criminal Code.
88This age is 16 in Anguilla under the Criminal Code, 16 for unmarried girls in Barbados, 16 years under the Criminal Code in Belize, 16 under the Sexual Offences Act No.1 in Dominica, 16 years in Grenada, 18 years in Haiti, 16 years in Jamaica, 18 years in St Kitts and Nevis under the Criminal Law (Amendment) Act, 16 years in St. Lucia under the Criminal Code, 15 in St. Vincent & the Grenadines under the Criminal Code, and 16 years for heterosexual couples in Suriname.
challenged). None of the countries have specific legislation to protect children in vulnerable situations such as natural disasters. Belize, Dominica, Jamaica and St. Kitts and Nevis have specific laws to protect children from trafficking in persons. Haiti and Suriname do not have specific legislation on trafficking in persons, but they both ratified the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2011.99 According to the ‘Global Progress Survey’ responses, the laws of Barbados, Belize, Dominica, Jamaica, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines prohibit the possession and dissemination of child pornography, including via the internet, although Barbados, Grenada, Haiti, St. Kitts and Nevis and St. Lucia have not ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography.

PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF RECOMMENDATION 2

Data from the study did not reveal significant involvement of children in the development of legislation relating to the prohibition of violence against children, and where involvement was identified it was largely in the form of consultation. For instance, consultations were held with schoolgirls during a Situational Analysis of Risks and Vulnerabilities Facing Children in Anguilla by the National Children’s Home in 2006 and both boys and girls were included in consultation for the Draft National Action Plan for Child Protection.

In Haiti, a series of consultations were held with children in commemoration of the 22nd anniversary of the CRC, and recommendations were submitted to the Government. Consultations with children were also held for the day of the Haitian child on 11 June 2012, including a simulation exercise where children ratified the Hague Convention on Inter-country adoptions before it was ratified by Parliament.

The St. Kitts and Nevis Youth Parliament Association is involved in the review and mock debate of legislation, including legislation pertaining to children.

It should be noted that Haiti has developed draft legislation against trafficking, which is to be presented in Parliament.
C. RECOMMENDATION 11: DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DATA COLLECTION AND RESEARCH EFFORTS.

The Secretary General specifically recommends that States improve data collection and information systems in order to identify vulnerable sub-groups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children. States should use national indicators based on internationally agreed standards, and ensure that data are compiled, analysed and disseminated to monitor progress over time. Where not currently in place, births, deaths and marriages data registries with full national coverage should be created and maintained. States should also create and maintain data on children without parental care and on children in the criminal justice system. Data should be disaggregated by sex, age, urban/rural, household and family characteristics, education and ethnicity. States should also develop a national research agenda on violence against children across settings where violence occurs, including through interview studies with children and parents, with particular attention to vulnerable groups of girls and boys.

Source: UNSVAC 2006

GENERAL REVIEW OF THE IMPLEMENTATION OF RECOMMENDATION 11

National Data Collection Systems on VAC

The emphasis on developing and implementing national data collection and research efforts is crucial in efforts towards child protection. The existence of data gaps provides a basis for inaction by many stakeholders including policymakers, who tend to view the phenomenon of violence against children as anecdotal or cultural, while failing to comprehend the developmental consequences for the child and broader social impacts for the nation (Myers, 2007). The SRSG on VAC emphasises the need for “efforts to develop a cohesive and well-resourced national data and research agenda on violence against children to help break the invisibility of this phenomenon, to fight impunity and promote evidence-based decision making”.90

The data from the eleven countries and secondary reviews to date indicate that the region is beginning to acknowledge the need for systematic data collection efforts and research on violence against children. A special CARICOM Council of Human and Social Development (COHSOD) on Children, organised in Guyana (2008) presented a Regional Framework for Action for Children 2002-2015, in which one of the priority actions for 2008-2011 highlighted calls for Member States to support a CARICOM regional research agenda to ensure that social policy formulation in the Caribbean is evidence-based.91

The review and data from the countries indicate that countries have progressed at varying paces and have adopted differing strategies in implementing this recommendation. Countries such as Belize and Jamaica have made great strides and have reportedly begun adopting a data-driven approach to develop policy, although they do still face significant challenges. During the past five years, the Government of Jamaica has embarked upon a number of changes to its institutional and legislative framework on children’s issues, the corresponding policy shifts and the establishment of support systems geared towards embracing an integrated response to tackling issues related to child protection. To facilitate these significant developments and to provide an enabling environment, the Government began and continues to promote a culture of monitoring; most notably the development of the reliable JAMSTATS database that includes child-related quantitative and qualitative indicators. Although there are several gaps within the system, the JAMSTATS database has produced information on 163 indicators including demography, economy, education, environment, gender equity, health, information and communication and national security. The database was developed by the Planning Institute of Jamaica and the Statistical Institute of Jamaica with technical support and funding provided by UNICEF Jamaica. The database is an adaptation of UNICEF software specifically designed to track issues related to children. These systems are currently being used by a wide cross section of individuals and organisations to inform the development plan for Jamaica. Jamaica also maintains national data systems on violence that includes children. Some 12 government entities are stakeholders in the Inter-Agency Child Protection Database (IACPD) led by the Jamaican Child Development Agency; a web-enabled data-sharing tool that provides summary data on issues regarding the protection and well-being of Jamaica’s children.92

Belize maintains a national gender-based surveillance system to capture information on child abuse that is coordinated by the Ministry of Health, the Ministry of Human Development and the Police Department. The system also captures annual gender-based violence statistics. Belize also includes data on child protection in its Multiple Indicator Cluster Survey (MICS) focusing on data on child discipline, domestic violence, child disability and birth Registration (Govt. of Belize et al., 2006). However, there is a reported need for further strengthening to enhance the quality and application of the findings.

Other countries such as Barbados, Dominica, St. Kitts and Nevis, Suriname and Trinidad and Tobago have initiated efforts in this direction, but there is a definite need for more cohesive and integrated efforts. The annual reports of various agencies in Barbados including the Child Care Board, the Police Force annual statistics and the Family Planning Association do document certain forms of violence against children. The Child Care Board is currently in the process of developing an inter-agency child abuse protocol which is expected to culminate in more comprehensive data. Attempts have been made to develop mechanisms to improve data collection, disaggregation and dissemination in collaboration with UNICEF, including staff training. The Child Abuse Prevention Unit at the Social Welfare Division in Dominica does monthly and annual data compilation and analysis. Child Protection Agencies file reported cases to the Unit. Efforts are being made to upgrade the data system at the Social Welfare Division with assistance from UNICEF. A more comprehensive data collection system would be expected to bring improvements in the collection, compilation, analysis and dissemination processes and there is general recognition that the system should store the data on child abuse from all agencies under a centralised Statistical Department.

Similarly, reports from The National Plan of Action 2006-2010 in Trinidad and Tobago indicate that the country is still unable to offer statistics to reflect the status of child abuse in all its different forms despite repeated attempts to establish a centralised data collection system and to elicit accurate data from individual agencies. Currently, only qualitative data is available. The Government particularly emphasises the need for a statistical database and a National Registry of Children in need of Care and Protection to assist in evaluation of the situation of children and to guide policy and programme development and initiatives are under way with the Ministry of Social Development for a special protection system in Collaboration with the Ministry of Planning and Development, the Central Statistical Office and Children in Need. These two databases are expected to provide disaggregated and timely data on the status of children in Trinidad and Tobago. In St. Kitts and Nevis, the Department of Probation and Child Protection Services maintains data on all types of violence against children, whereas Suriname only maintains databases with some information on violence against children, and both countries reportedly require better updating and management.

Further along the continuum, some countries have achieved little in terms of establishing national data collection systems. For instance: Grenada does not maintain a national data system on violence against children and only administrative data is collected by the Community Relations Department of the Royal Grenada Police Force (RGPF), Ministries of Health, Education, Social Development and the Child Protection Authority. Due to the multiplicity of data collection within the various agencies, published annual reports have not been provided and only ad hoc data is available. St. Lucia reportedly has no central data collection system for capturing data on violence and abuse against children in all its forms. Each agency dealing with children such as the Royal St. Lucia Police Force, the Division of Human Services and Family Affairs, and the Vulnerable Persons Unit, collects and shares information.
Public Disclosure of Information

Access to transparent and accurate information at all levels is vital. Limited or lacking information restricts a child’s right to access justice and limits their participation in the process against them. As the survey indicates, only four countries reported sharing data and information with the public. Jamaica maintains national data systems on violence that includes children, from which information is collated and published annually in the Economic and Social Survey of Jamaica (ESSJ). In Dominica, the information on compiled data is released to the public through the media and the data can be accessed by members of the public and institutions. However, it is crucial to note that dissemination may not necessarily result in enhanced access and that information must be disseminated in ways and settings where it is readily accessible to the public. For instance: while the government of Belize reports the annual production and dissemination of gender-based statistics, documentary review indicates a lack of access to information and data collection sources among government departments (UNICEF, 2011). It is noted that, there are reports of limited access to information sources for children and adolescents in most parts of the region, with no data at all available in some countries. In St. Kitts and Nevis, information is not made public. There is no national data system on violence disseminated to the public in Grenada and St. Lucia.

Information Disaggregation

Gender, age, ethnicity and disability status influence the extent and type of violence experienced by children and the coping mechanisms they develop. The 2012 ‘State of the World’s Children’ report (UNICEF, 2012) stated that boys were more likely than girls to be victims of violence.

### TABLE 11: AVAILABILITY OF DISAGGREGATED DATA ON VIOLENCE AGAINST CHILDREN

<table>
<thead>
<tr>
<th>Country</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Nature of injury or death</th>
<th>Cause of injury or death</th>
<th>Geographical location of incidents of violence</th>
<th>Context of the incident</th>
<th>Date and time of the incident</th>
<th>Relationship between the victim and perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anguilla</td>
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<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Barbados</td>
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<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Belize</td>
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<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Dominica</td>
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<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Grenada*</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Haiti</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
</tr>
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<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
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<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>N/A</td>
<td>NO</td>
<td>NO</td>
<td>N/A</td>
</tr>
<tr>
<td>St. Lucia</td>
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<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Suriname</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>

*There were no data available from Grenada that detailed crimes committed against children. However, the RGPF Criminal Records Office indicated that there were 1630 reported cases of sexual offences from 2000 to 2010. The Central Statistical Office compiles statistics on domestic violence and data for the period 2009 to 2011 released in 2012 reveals records of offences committed by children and adolescents disaggregated by the nature of the offence. However, no such disaggregation was available on offences against children.
girls to experience physical violence at the hands of the police. Girls were less likely to beg for money and more likely to sleep in institutions rather than on the street, but they also more frequently internalise violence and are at greater risk of continuous abuse. Furthermore, data disaggregated by sex is especially important where the legislation relating to certain forms of violence, particularly sexual violence, reflect a mistaken view that these forms of abuse predominantly affect girls. Laurie states that existing support for gender equality is an essential precursor to legislative change relating to sexual violence (Laurie, 2010).

Half of the respondent countries to date, report having data disaggregated by at least seven categories pertaining to violence against children. Table 2 shows an overview of the status of data disaggregation on violence against children in the region.

**Birth Registration and Data Capture Systems on VAC**

UNICEF estimates indicate that in recent years there has been important progress in the Caribbean region on the right to identity and birth registration, declining from an under-registration rate of 18% among children under five in 2006 to a current rate of 9% (2012). Article 7 of the CRC reads: “the child should be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child otherwise would be stateless.” Article 24 sections (2) and (3) of the International Covenant on Civil and Political Rights states that every child should be registered immediately after birth and shall have a name and nationality.

However, there are still countries in the region with worrying rates of under-registration that implies children are being put at risk of a range of abuses. The 2012 ‘State of the World’s Children’ asserts:

“Children whose needs are greatest are also those who face the greatest violations of their rights. All children’s rights are not realised equally. Over one third of children in urban areas worldwide go unregistered at birth. This is a violation of Article 7 of the Convention on the Rights of the Child. The invisibility that derives from the lack of a birth certificate or an official identity vastly increases children’s vulnerability to exploitation of all kinds, from recruitment by armed groups to being forced into child marriage, sex trafficking or hazardous work. Without a birth certificate, a child in conflict with the law may also be treated and punished as an adult by the judicial system. Even those who avoid these perils may be unable to access vital services and opportunities – including education. Obviously, registration alone is no guarantee of access to services or protection from abuse. Nevertheless, obligations set out by the Convention on the Rights of the Child can be easily disregarded when whole settlements can be deemed non-existent and people can, in effect, be stripped of their citizenship for want of documentation” (UNICEF, 2012, p. 185).

The Human Rights Committee (1989) General Comment on Article 24 of the Covenant on Civil and Political Rights notes: “in the Committee’s opinion, this provision should be interpreted as being closely linked to the provision concerning the right to special measures of protection and it is designed to promote recognition of the child’s legal personality” (Hodgkin and Newell, 2007).

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Research indicates that most countries in the region maintain birth registries and offer the right to identity as a right that is legally guaranteed by the Constitution. However, there are still challenges to be overcome before universal birth registration can be ensured. Fulfilment of this right may be restricted by factors ranging from: administrative challenges to the registration of births, remote and isolated places of residence, or the disadvantaged situation of poor and displaced communities. Just such a situation exists in Belize, where the process of acquiring nationality at birth is set out in the Registration of Births and Death Act, requiring a child to be registered within 42 days of birth. However, in reality, only 50% of children are registered within the required period as parents are often unable to complete the formalities of the registration process, due to the need for proof from the hospital where the child was born and the inaccessibility and costliness of the process at the Central Registry. This inefficient process particularly affects indigenous children. The survey response noted that, “Children lacking birth certificates or official registration documents, including child refugees and internally displaced children, can be at particular risk of trafficking and are among those most difficult for authorities to trace, much less protect. Many countries have adopted national plans of action to combat child trafficking, but the lack of reliable statistical information remains a significant obstacle.”

**TABLE 12: COUNTRY PROFILES OF REGISTRIES AND SYSTEMS TO CAPTURE DATA ON VIOLENCE AGAINST CHILDREN**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Registries for births, deaths and marriages.</th>
<th>Systems to capture data on children without parental care</th>
<th>Systems to capture data on children deprived of liberty</th>
<th>Systems to capture data on specific forms of violence against children</th>
<th>Maintenance of a sexual offenders registry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anguilla</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>N/A</td>
</tr>
<tr>
<td>Barbados</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>N/A</td>
</tr>
<tr>
<td>Belize</td>
<td>YES</td>
<td>N/A</td>
<td>YES</td>
<td>YES</td>
<td>N/A</td>
</tr>
<tr>
<td>Dominica</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>N/A</td>
</tr>
<tr>
<td>Grenada</td>
<td>YES*</td>
<td>NO</td>
<td>NO+</td>
<td>NO**</td>
<td>NO</td>
</tr>
<tr>
<td>Guyana</td>
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<td>St. Kitts and Nevis</td>
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<tr>
<td>Suriname</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Trinidad y Tobago</td>
<td>YES#</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

N/A – Data Not Available

+ Her Majesty’s Prison, Richmond Hill is currently in the process of converting its files to electronic form.
** The RGPF collects data on the perpetrators of crimes and not the victims; therefore, at this time, there is no way to analyse trends in the data. The reports of violence against children that are specified in the crime statistics collected by the police are primarily sex crimes against girls. The crimes are namely; indecent assault, unlawful carnal knowledge and defilement of a female.
# Trinidad and Tobago has introduced an electronic birth registration system, which is expected to be more efficient and would eradicate spelling errors. It was also extended to include the registration of deaths and is available at all public hospitals. (http://www.stabroeknews.com/2010/news/regional/10/20/tt-birth-registration-goes-electronic/ Georgetown, Guyana. Wednesday, Oct 20, 2010. (Stabroek News, 2010).
^ A report on the status of birth registration in Guyana found that poverty was not a factor in the non-registration of children. In 2012 Guyana signed a declaration to achieve universal birth registration by 2015.
++ The IACPД includes information on children without parental care in Haiti.
Initiatives have been launched in countries such as Guyana, Jamaica and Belize to improve birth registration statistics through National Birth Registration Campaigns. A special COHSOD on Children, organised in Guyana (2008) presented a Regional Framework for Action for Children 2002-2011, which emphasised that Member States should ensure universal birth registration as a priority action for 2008-2011. The 2nd Regional Conference of Latin America and the Caribbean on the Right to an Identity and Universal Birth Registration held in September, 2011 in Panama, brought together some 250 representatives of governments, civil society and international organisations from 26 countries to strategise on how best to move forward with their plans for increasing the rate of birth registrations by 2015.

While data is available on birth registration and, to some extent, specific forms of violence against children, the outlook on other systems to capture data on violence against children is reportedly bleak throughout region, as is shown in Table 12.

Research Studies and Surveys on VAC in the region since 2009

There have been some relevant studies pertaining to child protection in the region since 2006, most of which have been commissioned by UNICEF, civil society stakeholders and NGOs with some national efforts supported by UNICEF in countries such as Belize and Barbados. Belize participated in two rounds of the MICS in 2006 and 2011, capturing key information on the situation of children and women with specific references to modules on child protection and RISE St. Lucia commissioned the ‘Road to Geneva: Child Rights Survey’. However, overall, very few national initiatives for this area are visible in the region.

There are evident major data gaps that hinder policy making in the region. There has been no established research agenda to assess the impact of violence against children across settings in Belize, Grenada, Dominica, Suriname, St. Kitts and Nevis and St. Lucia. In Barbados, attempts have been initiated by the Child Care Board to develop a research agenda on all critical issues relating to child protection, including violence against children. Research efforts are at the best ad hoc and uncoordinated and generally reflective of single studies, with no specific agenda for assessing the level of violence against children. Also, in countries where reports providing statistical information are published, different sources reveal significant discrepancies in data, indicating the need for improved statistical coordination and wider system strengthening. There is also a lack of regular, periodic victimisation surveys to provide comparisons of crime levels both across countries and over time (UNODC, 2007).

Box 2 provides a listing of some studies commissioned after 2006 that encompass issues related to forms of violence against children, including vulnerable children across regional and national settings.

Box 2: Sub-regional and Regional Studies on Violence against Children

- A landmark study on child sexual abuse in the Eastern Caribbean, the first of its kind in the region, was commissioned by UNICEF. The study, entitled, ‘Child Sexual Abuse in the Eastern Caribbean’, explored the situation of child sexual abuse in Barbados, Dominica, Grenada, Montserrat and St. Kitts and Nevis. It reflected on the escalation of child sexual abuse in the region indicating that CSA could be estimated to affect between 25-45% of children. It also detailed emerging forms of abuse, including sexual abuse against boys.

- An Introductory Qualitative Analysis of Caribbean Adolescents aged 10-14 years: Barbados, Belize, Guyana, Jamaica, Suriname and Trinidad and Tobago’ commissioned by UNICEF (Chambers, 2009), aimed to explore the dreams and aspirations of adolescents and found that crime and violence emerged as the single most pervasive and important concern amongst adolescents, with all adolescents reporting deep fear of real and/or imagined threats from crime and violence.

- A more recent study ‘Prohibiting corporal punishment of children in the Caribbean: Progress report 2012’ (GIECPC, 2012b) by the Global Initiative to end all Corporal Punishment of Children in collaboration with the Global Movement for Children in Latin America and the Caribbean highlights the progress made in addressing corporal punishment across settings following UNSVAC.
BOX 3: COUNTRY-SPECIFIC STUDIES ON VIOLENCE AGAINST CHILDREN


- **JAMAICA**: The National Victimisation Survey was conducted in Jamaica providing data on the level of victimisation experienced by various groupings including children, capturing data at community level. The survey was first conducted in 2008, and a further limited survey was completed in 2010 by the Ministry of National Security with funding from the European Union that has not been published. It was also noted that the Office of the Children’s Advocate, has undergone an internal review of the organisational, institutional impact on children in conflict with the law and on violence in institutions. Prior to the reporting period, a study was produced by Maureen Samms-Vaughan on the impact of violence on television on a child’s development and the Ministry of Health ran a national survey on street and working children. More recent baseline surveys have been held under the Government of Jamaica and Inter-American Children’s Institute Child Rights Project and a more recent Study was commissioned by the Office of the Children’s Advocate on the Profile of Children in Conflict with the Law in Jamaica (February, 2011).

- **ST.LUCIA**: The Road to Geneva (RTG) NGO-Youth Coalition research on the state of the human rights of children and youth in St. Lucia and the first ever UN CRC NGO shadow report submitted to the UN Committee on the Rights of the Child published by RISE St. Lucia and RTG, as part of a youth-led collaborative action research project.

Few of annual reports have included information providing statistical data on violence against children indicating that this was not a priority focus. The Child Care report in Dominica outlines the role of the Social Welfare Department and provides a detailed analysis of its Child Care Programme with a focus on foster care, adoption and the Child Abuse Prevention Unit, while the annual statistical information from Jamaica is captured in JAMSTATS as well as in the Economic and Social Survey of Jamaica (ESSJ). However, overall, there were few visible attempts to provide such data.

**Use of Indicators based on Internationally agreed Standards on VAC**

In most countries, efforts to identify indicators on violence against children have been marginal. The MICS in countries such as Barbados and Suriname attempted to include indicators related to violence against children to some extent and Haiti has included the MICS indicators in Demographic and Health Surveys. The Government of Barbados in conjunction with UNICEF initiated the MICS programme in that country, including a proposal to develop indicators relating to violence against children. Jamaica has developed a National Plan of Action for an Integrated Response to Children and Violence (NPACV) on the back of these indicators; however the document has not yet been approved by the Planning Institute of Jamaica. The system used prior to 2009 attempted to use indicators based on internationally agreed standards and is housed within JAMSTATS and the Planning Institute of Jamaica, with support from UNICEF Jamaica, is in the process of developing a database of indicators to complement the NPACV and overcome the deficiencies in the system.

Some efforts have been made in St. Kitts and Nevis where the Department of Probation and Child Protection Services is preparing to implement indicators produced by UNICEF to address violence against children. However, countries such as Dominica, Grenada and St. Lucia reportedly have neither envisaged nor taken any measures for the near future. Belize reports no documented efforts whilst indicating that one of the persistent challenges to the implementation of the UN recommendations, is the ineffective monitoring and evaluation of the National Plan of Action (NPA) due to huge data gaps in indicators which may be related to lack of technical capacity and equipment by many agencies. In Belize, the situation is aggravated by the dissolution of the Social Indicators Committee and a defunct NPA Monitoring and Evaluation Committee as reported in the country’s ‘Global Progress Survey’
PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF RECOMMENDATION 11

Children's participation rights have been enshrined in the CRC (Articles 12, 13 and 14) (Hodgkin and Newell, 2007). Information on participation of children in terms of their current involvement in research is extremely limited across the region. There have been qualitative studies such as the ‘Study on Child Sexual Abuse’ in the Caribbean that capture children’s voices, but the literature review conducted indicates scarce representation of children’s voices. CARICOM has sought to include youth participation in regional development and policy formulation through the CARICOM Youth Ambassadors programme; however this remains relatively small in scale.

The CARICOM Youth Ambassadors Programme is a mechanism for leadership development and youth participation. The Youth Ambassadors are the Community’s focal points for deepening the regional integration and development process through advocacy and peer education initiatives. Membership of the network currently stands at 34 youth ambassadors from 14 Full and four Associated States and are selected from the membership of National Youth Councils or other representative youth organizations and/or are experienced youth leaders.

CARICOM Secretariat (June 2012)

Advocates for child rights are emphasising the need for child participation, particularly in addressing violence against children in an effort to obtain a reliable and contextual picture of the phenomenon of child abuse. To this end, there have been initiatives to hear children’s voices in countries such as Jamaica and St. Lucia, but overall involvement in the region appears to be extremely limited. Stakeholders and those responding to the ‘Global Progress Survey’ have concurred that child and youth participation is extremely limited and that where it does exist, it faces some challenges. A respondent from St. Lucia stated:

“It must be noted that although young people and children engage in advocacy, organise and execute activities through the students councils, community clubs and organisations, district youth and sports councils, the national youth parliament, national boards and committees, the CARICOM Youth Ambassadors Programme and the Commonwealth Youth Programme, and the National Youth Council, their participation is often times dependent on the whims and fancies of the political directorate or policy makers and is limited to consultation with no significant role with the development and implementation of policies and programmes at a national or regional level, except in some cases where they are members of national and regional bodies or function as representatives of the National Youth Council or Ministry of Youth Development and Sports. According to the CARICOM Commission on Youth Development Report (2010) Caribbean adolescents and youth continue to be viewed only as the beneficiaries of services and products and not as strategic partners in policy development and implementation.”
The boxes below capture some of the child and youth participation initiatives in Jamaica and St. Lucia.

**BOX 4: CHILD PARTICIPATION IN RESEARCH INITIATIVES IN JAMAICA**

- Involvement of children in a survey for the development of child friendly materials: The Child Development Agency (CDA), in collaboration with UNICEF, produced and distributed a child-friendly version of the Child Care and Protection Act (CCPA) targeting children in the 7-12 years and 13–17 year age groups. Children from both cohorts were consulted in drafting these child-friendly booklets. In addition, prior to the distribution island wide, more than 7,000 children were allowed to participate in a pre-test survey to assess their knowledge of the Act. Later, a post-test was conducted with the children to determine the level of improvement and increase in their knowledge of the CCPA. More than 160,000 copies of the booklets for children in the 13–17 age group have been distributed across the island.

- Website Development: Five children were engaged to guide the process of development of the CDA’s corporate website which was launched in 2006. The site can be used for information, child-friendly edutainment and to provide a means of communication for those wishing to relay messages or to make suggestions on key service areas.

- Student Satisfaction Survey: As part of the new school inspection model being implemented under the Education Transformation programme, students are surveyed regarding their views of their school. This information forms the basis for assessing school effectiveness.

- OCR Ambassadors in Jamaica: In January 2012, the Office of the Children’s Registry (OCR) held a series of regional consultations with children in November 2011 and over four hundred children and school officials from several primary and secondary level schools across the island participated in the consultations. One of the issues arising from the consultations was the need for children to be more involved in reaching their peers to encourage the reporting of child abuse. This led to the idea for an OCR Child Ambassadors Programme under which children (10-17 years) volunteer for a minimum of one year to work with the OCR Public Education Specialist in the public education campaign to raise awareness on child abuse and reporting in their local community.
Illustrative Promising Practices

BOX 5: Road to Geneva (RTG) NGO-Youth Coalition research on the state of the human rights of children and youth in St. Lucia

This research on the state of human rights of children and youth in St. Lucia and the first ever UN CRC NGO shadow report submitted to the UN Committee on the Rights of the Child was published by RISE St. Lucia. RTG, a collaborative action research project led by youth, is a unique partnership between youth and 6 NGOs concerned with their care and protection: RISE; AIDS Action Foundation (AAF); National Youth Council (NYC); St. Lucia Planned Parenthood Association (SLPPA); National Council of Persons with Disabilities (NCPD); and the St. Lucia Blind Welfare Association. The project was developed in response to government’s 2009 invitation to provide an NGO alternative or shadow report on the UN CRC. The 6 NGOs combined resources and expertise and engaged children and youth to discover from their peers just how well, or not, children and young people’s human rights are being realised in St. Lucia, offering youth the opportunity to heighten their awareness and that of the general public on children’s rights, to provide a space in which their voices could be heard, and to work alongside youth-supporting adults to achieve these objectives. St. Lucia’s latest UN CRC government report was received by the UN in February 2011 and was complemented by this shadow NGO report reflecting the results of the RTG project. These submissions are expected to institutionalise youth involvement as recommended by the UN CRC allowing the NGO-youth coalition to potentially be included in the long-overdue mechanism for monitoring and recording of St. Lucia’s UN CRC implementation efforts.

BOX 6: Promising Practice: Caribbean Child Research Conference - Hearing the Voices of Child Researchers

The Caribbean Child Research Conference is an annual multi-disciplinary conference aiming to share the most recent research on children, strengthening the network of researchers on children’s issues, and encouraging research in priority areas as well as areas that are under-researched.

Hosted annually since 2006 it is a collaborative effort between the University of the West Indies, the United Nations Children Fund, the Caribbean Child Development Centre, the Child Development Agency, the Office of the Children’s Advocate, the Planning Institute of Jamaica and others. This conference provides opportunities for young researchers from secondary schools across the island to conduct research on a variety of child-related issues and present their findings at the conference. An outstanding child researcher is selected and presented with an award each year. An important feature is the number of children and young persons involved in the planning and implementation of the conference activities. Children are given the opportunity to chair sessions and to deliver a keynote address.

The specific objectives of the Caribbean Child Research Conference are to:

• Promote a culture of research among students at High Schools in the Caribbean by facilitating the presentation of research by students and the award of a prize to an Outstanding Child Researcher.
• Promote a culture of research among teachers at High Schools in the Caribbean.
• Recognise the work of child researchers in child-related research.
• Disseminate findings on child-related research.
• Strengthen the networking links among researchers of child-related matters; and
• Inform policy formulation and implementation processes in the Caribbean Region, through published research findings.
SUMMARISING THE TREND: PROGRESS AND GAPS

The data from this section indicates that the region is beginning to acknowledge the need for systematic data collection efforts and research on violence against children. Countries have progressed at a varying pace and have adopted differing strategies in implementing this recommendation. However, some significant challenges remain, suggesting a definite need for more cohesive and integrated efforts in national efforts towards systematic research and data gathering systems on violence against children. Very few countries have established synergies capable of implementing this recommendation. The overall picture for the countries included in this study indicates scattered and fragmented implementation of this recommendation, ranging from scarce, negligible data in some countries, to reasonably adequate information systems in others. Where systems do exist, they need strengthening and better coordination mechanisms if they are to be effective, including centralised agencies to focus on documenting the mandate of violence against children. This mapping process has made it patently clear that where systems do exist there are multiple challenges related to institutionalisation, use and maintenance while the shortage of funds and trained staff hinder the seamless implementation of data systems. Furthermore, most countries have either multiple institutions gathering and handling their own information or a central institution collecting information from limited sources or focusing only on one setting or form of violence. Progress appears very uneven and there are insufficient efforts to develop a cohesive and well-resourced national data and research agenda on violence against children capable of countering the invisibility of this phenomenon, fighting impunity and promoting evidence-based decision making.

It is noted that limited access to information sources is reported for children and adolescents in most parts of the region and these are non-existent in some countries, although it is essential to note that dissemination may not necessarily result in enhanced access and information must be made available in ways and settings where it is readily accessible to the public. Methodologies for violence indicators vary across countries, with violence against children particularly underreported. Indicators related to capturing data on violence should also include qualitative indicators; an element presently missing in some cases where quantitative indicators do exist. Several countries maintain disaggregated data, although not on exhaustive categories, and, while birth registration and data on specific forms of violence against children are to some extent recorded, the progress made toward other forms of data capture on violence against children is reportedly poor for the entire region. Again, while most countries indicated marginal efforts toward the use of indicators based on internationally agreed standards on violence against children, no substantial initiatives were actually being implemented although some countries did report efforts under way in this direction.

There is no established research agenda to assess the impact of violence against children across settings in most countries and in the places where this does exist, research efforts are at the best ad hoc and uncoordinated and generally reflective of single studies, with no specific agenda for analysing violence against children, including vulnerable children, across settings. Also, in those countries where reports providing statistical information are published, the various sources indicate significant discrepancies in data, indicating the need for improved statistical coordination and wider strengthening of systems.

Implementation of this recommendation is also impacted by limited resources, both in terms of funding and human capacity. Crunched resources often result in the issue being addressed on an ad hoc basis, at the almost complete discretion of those in
authority. More often than not, data collection and research are relegated to the bottom of the priority list, meaning very little data is available to initiate informed action. The child protection statistics documented in the recent ‘State of the World’s Children’ (UNICEF, 2012) report fully substantiate the limited data on child protection for the region. The table in Annex 1 clearly demonstrates there is data missing or not available on child protection indicators in several countries. As this data is usually available through data sources such as the MICS, DHS and other national surveys, this trend is either indicative of a lack of data collection systems in the particular countries, or a lack of inclusion of child protection indicators in the data collection instruments.
VI. COUNTRY BY COUNTRY FOLLOW-UP OF THE UNSVAC RECOMMENDATIONS
ANGUILLA

A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

As identified in the Draft National Action Plan for Child Protection (2008-2011), the Government of Anguilla has made significant strides to improve the welfare and development of children and young people, and the country has achieved some of the recommendations made in a situational analysis of Risks and Vulnerabilities Facing Children in Anguilla carried out in 2006 by the National Children’s Home. These initiatives were acknowledged in the United Nations Convention on the Rights of the Child (UNCRC) Report Submission in 2007 along with other important advancements (Singh, unpublished) and they include:

Recommendation 1: Strengthen national and local commitment and action

- The Maintenance Orders (Collection) Act allows the court to make orders for the attachment of earnings to enforce a Maintenance Order.
- A comprehensive set of standards along with Procedural Manuals were developed in May 2008 for Foster Care, Child Protection and Adoption by the National Children’s Home (now known as Action for Children) in accordance with Article 3 of the CRC to ensure that institutions, services and facilities conform to the standards set for the care and protection of children.
- Representatives from the Youth Council now have input into governmental plans and policies affecting children and youth, and there are more opportunities for children to express their views through radio and TV programmes.
- The establishment of a Juvenile Justice Centre and an appropriate programme geared towards social reintegration.
- The establishment of a Family Law Reform Committee to adopt and harmonise relevant legislation proposed by the OECS.
- The establishment of a Child Protection Steering Committee with the mandate to develop an Action Plan with a view to ensuring that Anguilla is in full compliance with all the articles of the CRC (Singh, unpublished). The overall strategic objective of the National Action Plan is to develop a child protection framework and system in Anguilla that is in keeping with the UN CRC.

Coordinating Mechanisms

- There is very little cross-sector partnership in the interest of children. However, work has begun by the Government with the media, care givers, and other interest groups. There is some information sharing and advocacy on behalf of abused and neglected children.
Recommendation 2: Prohibit all violence against children

International Treaties and Standards

- Anguilla is a UK Overseas Territory, and therefore cannot enter into multilateral treaties on its own. It has limited self-governance which has facilitated its status of Associate Member of CARICOM. By virtue of the ratification process of the UK, Anguilla has ratified several international treaties, and the country has ratified three additional relevant international treaties since 2005: the Convention against Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (CTOC); the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography; and the Convention on the Rights of Persons with Disabilities (CRPD). However, the UK has not yet ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which poses a challenge for Anguilla.

Internal legal framework

- By an Order of Council extended by the British government in 1991, Anguilla prohibits and prevents all forms of violence against children. The Government of Anguilla appointed a Child Protection Steering Committee and a Draft National Action Plan was developed to ensure that Anguilla fully complies with obligations set out in the CRC. Further research determined the following:
  - The UNCRC Report submission in 2007 states that the definition of a child is now a person aged less than 18 years.
  - The minimum age of criminal responsibility was increased to 10 by virtue of the Criminal Code, (RSA cC140). However, a child over 10 years and under 14 years who commits an offence will be subject to the doli incapax* test prior to being held criminally responsible (Singh, unpublished).
  - The Education Act (RSA cE25) prohibits the employment of children of compulsory school age (i.e. 5 to 17 years) during the school year and children of less than 14 years, at all times (Singh, unpublished).
  - A person under the age of 18 years of age can enter matrimony with parental consent. The Marriage Act (RSA cM40) provides that the marriage of a person under 16 is void.*
  - Notwithstanding the existence of legislation to prohibit and prevent violence against children, according to the response to the ‘Global Progress Survey’ (2011), there is no specific legislation to protect children from all forms of violence; and to provide redress (including compensation), recovery and reintegration to child victims of violence.
  - The response to the ‘Global Progress Survey’ confirmed that legislation protects children who are neglected, abused and abandoned.
  - Anguilla abolished judicial corporal punishment for children, and capital punishment is not a sentence for crimes committed by children below 18 years according to the 2007 Progress Report submitted to the Committee on the Rights of the Child. Children are however, subject to life imprisonment as a sentence.

*Will not be held criminally responsible unless he/she had the capacity to know that he/she ought not to have done the act or make the omission complained of.
*The Registrar General has the power to grant a licence to a person over 15 and under 16 years, to get married, once consent has been obtained from the requisite persons (Singh, unpublished).
• The Criminal Code, RSA, c C140 prohibits sexual offences against, unlawful sexual intercourse with and prostitution, abduction, sexual harassment with children and adolescents, sexual intercourse with dependent children, and detaining children and adolescents with intent to have sexual intercourse (Singh, unpublished).

**Recommendation 11: Development and implementation of systematic national data collection and research efforts**

• The Department of Social Development collects information on child abuse cases and reports these incidents in their annual report. Information is disaggregated by age and sex, and date and time of the incident. The country maintains registries for births, deaths and marriages, as well as systems to capture data on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention.

Notably, these formative processes and all progress to date are linked to two important assumptions:

1. That protecting Anguilla's children is essentially a national effort to be implemented across sectors, disciplines and communities and, although it carries responsibility as the primary national focal point relating to social care, this mission cannot be the sole remit of its Ministry of Social Development.

2. That the Government of Anguilla will work to ensure appropriate circulation and further discussion of the proposed National Action Plan (NAP) even as it conducts the required changes and pursues resources.

**B. CHALLENGES FOR FULL IMPLEMENTATION**

The following broad areas were identified in Anguilla's NAP as the locus of challenges:

**Recommendation 1: Strengthen national and local commitment and action**

• Consolidating the progress of existing legislative and institutional strengthening measures to support child protection and youth development.
• Recruiting professionals, maintaining creative human resource support and training of existing personnel to support social development priorities.
• Making available appropriate finances and other resource allocation for supporting the NAP.
• Promoting a culture of national consultation regarding milestones for implementing the NAP (including youth participation).
• Encouraging public (including children and youth) education awareness, the dissemination of child protection manuals, national standards, materials and support for civil society, in relation to the NAP and wider CRC.
• Monitoring and refreshing of institutional frameworks, plans, programmes related to the safeguarding of children and progress of youth.
• More collaboration with local lawyers regarding a comprehensive legal aid system for children in conflict with the law or otherwise in need of representation.
• Improved collaboration among the Departments of Social Development, Education, Probation, Health and Youth, Sports and Culture, in matters pertaining to children and young people.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**
• The non-ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families poses a problem to Anguilla since immigration matters are controlled by the UK. Immigrants who come to work in Anguilla are therefore unable to bring their children and this has a negative impact on family life. This is contrary to Article 10 of the CRC.

**Internal legal framework**
• Relevant legislation is in place in some instances, but it is not being enforced. This is especially the case with regard to enforcement of the law on sexual intercourse with a minor under the age of 14 (RSA, cC140) and the Child Abduction and Custody Act.
• There is need for legislation governing the procuring or offering of a child for the production of pornography or pornographic performances, and for prohibiting the possession and dissemination of child pornography, including via the internet.

**Recommendation 11: Development and implementation of systematic national data collection and research efforts**

There are several gaps in developing and implementing systematic national data collection and research efforts towards child protection. The lack of a national system to maintain integrated and comprehensive information on violence against children will hamper efforts to contain violence against children. There is a need for an efficient database system to monitor issues relevant to child protection which should be reviewed and updated periodically in keeping with requirements stipulated by the CRC. Anguilla currently maintains limited disaggregated data. In addition, there has been little research related to violence against children at the national level. Anguilla does not maintain any official database on violence against children or on children without parental care, and there are currently no systems on specific forms of violence against children. No data collection and research activities have been carried out on violence against children apart from the census. No steps have been taken since 2009 or envisaged regarding the use of indicators based on internationally agreed standards on violence against children, although the proposed NPA suggests incorporation of CRC indicators. There is no research agenda on violence against children across settings and no national studies have been developed on violence against children, or on violence against children in a particular setting.
C. PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

Recommendation 1: Strengthen national and local commitment and action

Limited information was provided on the participation of children in public policy or coordinating mechanisms. It was however noted that Youth Council representatives have input into governmental plans and policies affecting children and youth.

Recommendation 2: Prohibit all violence against children

The ‘Situational Analysis of Risks and Vulnerabilities Facing Children in Anguilla’, performed in 2006 by the National Children’s Home (now known as Action for Children) involved consultations with schoolgirls. The consultation for the Draft National Action Plan for Child Protection in Anguilla which was also facilitated by the National Children’s Home, involved the participation of both boys and girls.

Recommendation 11: Development and implementation of systematic national data collection and research efforts

Opportunities exist for children to express their views though radio and TV programmes.
### ANGUILLA: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Promising Practices</th>
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<tbody>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
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<tr>
<td>Public Policies</td>
<td>No comprehensive action plan,</td>
<td>• Consolidating the progress of existing legislative and institutional strengthening measures</td>
<td>None Identified</td>
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<td></td>
<td>but there is the Task Force</td>
<td>• Recruiting and retaining</td>
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<td>Against Violence in Schools</td>
<td>professionals to support social</td>
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<td>with a published action plan.</td>
<td>development priorities</td>
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<td></td>
<td>A comprehensive set of standards were developed in May 2008 along with Procedural Manuals to ensure that institutions, services and facilities conform to the standards set for the care and protection of children</td>
<td>• Financial constraints</td>
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<td></td>
<td></td>
<td>• Promoting a culture of national consultation (including youth participation)</td>
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<td>• Public education awareness</td>
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<td>concerning child rights</td>
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<td>• Monitoring of policies and</td>
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<td>programmes relevant to child</td>
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<td>safety</td>
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<td>• Need for improved collaboration</td>
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<td>among stakeholders</td>
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<tr>
<td><strong>Coordination Mechanisms</strong></td>
<td>Generally, there is very little cross-sector partnership in the interest of children.</td>
<td>None Identified</td>
<td>None Identified</td>
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<tr>
<td><strong>RECOMMENDATION 2</strong></td>
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<tr>
<td>International Treaties and Standards</td>
<td>A need to ratify the CMRW</td>
<td>• Ratification of all treaties relevant to the protection of the child</td>
<td>None identified</td>
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<tr>
<td>Internal Legal Framework</td>
<td>The minimum age for criminal responsibility was increased to 10 years</td>
<td>All legislation should comply with the CRC</td>
<td>None identified</td>
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<td></td>
<td>Judicial corporal punishment</td>
<td>Increase the basic minimum age for admission into employment</td>
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<td>was abolished</td>
<td>Enforcement of legislation on</td>
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<td>The basic minimum age at which</td>
<td>abduction and custody and on sexual</td>
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<td>children can work is 14 years in keeping with ILO Convention138 for developing countries</td>
<td>abuse of children and adolescents</td>
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<td>Enactment of legislation to protect children from being used in the production of pornography or for pornographic performances</td>
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<td><strong>RECOMMENDATION 11</strong></td>
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<tr>
<td>Information Systems and Data Collection</td>
<td>Establishment of a Child Protection Steering Committee</td>
<td>• No official database on violence against children.</td>
<td>None identified</td>
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<td></td>
<td>The Department of Social Development collects information on child abuse cases and reports these incidents in their annual report.</td>
<td>• No data maintained on children without parental care and on specific forms of violence against children.</td>
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<td>Information is disaggregated by</td>
<td>• Limited data collection and</td>
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<td>age and sex, and date and time</td>
<td>research activities on violence</td>
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<td>maintains registries for births, deaths and marriages, as well as systems to capture data on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention.</td>
<td>• No measures have been taken since 2009 or envisaged to implement the use of indicators based on internationally agreed standards on violence against children</td>
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<tr>
<td>Monitoring Mechanisms</td>
<td>Existence of a Child Protection Steering Committee (CPSC)</td>
<td>The effective implementation of the NPA is dependent on appropriate coordinating and monitoring mechanisms including involvement and training and the central role of the Child Protection Steering Committee in collaborating with supporting agencies, including the Department of Social Development</td>
<td>None identified</td>
</tr>
<tr>
<td><strong>Level of Participation of Children</strong></td>
<td>Recommendation 1 and 2: No evidence of children's involvement in the implementation of these recommendations.</td>
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<td></td>
<td>Recommendation 11: Opportunities exist for children to express their views though radio and TV programmes</td>
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<td></td>
<td>Youth Council representatives have input into governmental plans and policies affecting children and youth</td>
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FINAL CONSIDERATIONS FOR ANGUILLA

Recommendation 1: Strengthen national and local commitment and action

As outlined in the National Plan of Action for Child Protection, and in specific reference to strengthening national and local commitment and action, Anguilla is very clear about the path it must take in order to close the gaps that currently exist in systems and programmes geared towards addressing violence against children. There are however some crucial considerations that must be galvanised in order to strengthen policy and programming geared towards systematic national data collection and research efforts as outlined under Recommendation 11.

Recommendation 2: Prohibit all violence against children

- Bring laws on child protection into conformity with the OECS Legal Reform initiative.
- Increase the minimum age for admission into employment.
- Monitor the emergent situation of sexual exploitation of children.

Recommendation 11: Development and implementation of systematic national data collection and research efforts

- Create and activate an efficient national database system to monitor issues relevant to child protection which should be reviewed and updated periodically in keeping with requirements stipulated by the UNCRC.
- Develop indicators that provide information pertaining to violence against children based on internationally recognised criteria.
- The Child Protection Steering Committee (CPSC) should play a central role with regard to collaborating with supporting agencies, including the Department of Social Development, and should function as a monitoring entity. The CPSC should work towards maintaining a comprehensive and integrated database through its partnerships across sectors, ensuring that the information is updated and consistent. Availability of equipment, software and training of the relevant personnel to manage the system effectively should also be mandated.
- The database system should allow for on-going assessment and mitigation of risks to the children of Anguilla, as a part of the monitoring process.
- Establish a research agenda that facilitates enhanced knowledge on violence against children across settings, including capturing the cultural nuances and the voices of children and youth.
A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

Awareness existed that violence against children was unacceptable and a violation of their rights as stipulated within the Convention on the Rights of the Child prior to the 2006 UNSVAC. However, the UNVAC study and the publicity surrounding its launch brought about a better understanding of the dimensions, nature, impact and ramifications of violence against children within Barbadian society. The study and its publicity helped to improve the understanding of violence against children as a phenomenon which cuts across the boundaries of race, geography, class, religion and culture, and is pervasive throughout multiple facets of society. More important perhaps, the public, Government and a range of stakeholders became more committed to the key principles articulated in the study with respect to violence against children, especially since all forms of violence, and not just areas such as sexual abuse, were portrayed as unacceptable. These principles were further reinforced by communication campaigns launched by the government of Barbados in collaboration with agencies such as UNICEF on the issues and about the importance of the CRC. This increased awareness facilitated efforts to undertake policy and legislative reform measures to mitigate violence against children. One of the most striking achievements has been an increased awareness among children themselves that they should never be exposed to any form of violence and that they have a right to express their views with respect to their general well-being and protection.

Despite efforts to broaden awareness about violence against children, Barbados does not have a single comprehensive and integrated policy framework with respect to violence against children. However its policy framework for the general protection of children is reflected through its Child Care Board, which is the primary national agency for child protection. The Board’s work and overarching policy direction are guided by the CRC and the Child Care Board Act 1981, as well as by various other piece of legislation. The policy framework is also based on strong collaborative ties with various civil society organisations which constitute a critical part of the national approach to child protection, as well as an emphasis on prevention through proactive programming. These policy directions are reflected in the illustrative examples below:

EXAMPLE 1: Parent Education for Development in Barbados (PAREDOS) is one of the main NGOs offering family life education and courses to schools and the general public. PAREDOS was launched in 1972 to inform and educate parents, guardians, children and at-risk groups in such areas as child development, child abuse and prevention, parenting skills, communication skills, problem solving skills and health issues. The organisation is funded by grants, government subsidy, voluntary contributions, fund-raising activities and membership drives. The PAREDOS budget is not large enough to employ staff on a permanent basis and the organisation therefore relies almost exclusively on voluntary workers.
EXAMPLE 2: The Parent Education and Support Programme—Positive Parenting Skills Seminars offered by the Division of Family, in the Ministry of Family, Culture, Sports and Youth (MFCSY)

This programme commenced in 2009 and is intended to give parents and prospective parents the confidence to raise their children more easily. The programme aims to offer training in the skills, knowledge and attitudes needed to empower individuals to become more effective parents.

EXAMPLE 3: PEACE Programme

The government of Barbados has developed an initiative called the PEACE programme (Personal Empowerment in Arts and Creative Education) as part of the national school curricula, seeking to achieve more integral involvement of the arts in the lives of children, using the arts as a means of helping to build a society based on a culture of peace, tolerance and respect for cultural diversity. The programme extends across the age groups, beginning with children in nursery school. At this level, the programme uses creative expression to allow the effective communication of thoughts and feelings and to enhance personal and social development, using drama activities to help children to understand mathematical concepts and transfer knowledge to problem-solving and decision-making experiences. It seeks to inculcate in these young children values such as consideration, respect, responsibility, punctuality, patience, cooperation, courtesy, order, time management, self-expression, creativity and accuracy among others.

Coordinating Mechanisms

On-going strengthening of the mandate, operations and capacities of the Committee for Monitoring the Rights of the Child has been the main initiative undertaken to facilitate coordination for enhanced cooperation among the various partners at the national, regional and international levels. This committee was established in September 1998 and has met periodically since that date. Its mandate is to examine the CRC and present recommendations to the government for the improvement of child rights. The Committee is made up of 10 members including representatives from government, NGOs, youth, persons with disabilities, social services and the media. The Committee has held several town hall meetings and fully utilised the expertise of its members in formulating recommendations to the government. At present the Committee operates on a small budget and members receive a small stipend. The Committee has a certain level of authority in public education matters and has been advocating in favour of a Children’s Act to harmonise all legislation regarding children. There is however, a need for the Committee to be further strengthened and resourced so that it can perform its duties in a more strategic, effective and efficient manner. The Child Care Board also uses the Child Month in May as an opportunity to mobilise and focus public attention on children’s issues, such as violence against children, the importance of family, parental responsibility, children’s rights, and the collective responsibility of communities and the nation in child development and protection.

Recommendation 2: Prohibit all violence against children

International Treaties and Standards

• Barbados has not ratified any relevant international treaty since 2005.
Internal legal framework


- A child is defined in Article 3 of the Minors Act 1974 as “a person who is 18 and under”.
- Part IV, Section 7 of the Juvenile Offenders Act places the age of criminal responsibility at 11 years.
- Article 4, Part 2 of the Marriage Act 1979 states that the age of consent for marriage is 16 years.
- The minimum age for admission into employment for children is 15 years.
- According to the 2011 survey, legislation in Barbados provides redress, including compensation for child victims of violence.
- The survey also confirmed that legislation protects children who are neglected, abused and abandoned.

According to the 2011 survey, judicial corporal punishment remains lawful. Research indicated that corporal punishment is a sentence for an offence under the Juvenile Offenders Act (1932, amended 1998) and the Corporal Punishment Act (1967), which provides for up to 12 strokes “with a tamarind or similar rod” for a person under 16 years of age and up to 24 strokes for a person over that age. The Magistrate’s Court Act (2001) allows for boys between the ages of 7 and 16 to be whipped at a police station, with the parent present if desired. Corporal punishment is lawful as a disciplinary measure in penal institutions under the Prisons Act (1964, amended 2002) and the Reformatory and Industrial Schools Act (1926, amended 1998). Corporal punishment is prohibited in alternative care settings such as State-arranged foster care, in pre-school settings and in day care centres and residential children’s homes run by the Child Care Board (Child Care Board Regulations 1985), but it is lawful in private foster care. The survey confirmed that capital punishment and life imprisonment are prohibited as sentences for crimes committed by children. Nevertheless, Chapter 138 of the Juvenile Offenders Act states that the court can sentence persons below 18 years to be detained indeterminately at the Governor General’s Pleasure.

• With regard to sexual violence against children, research indicated the following: Part I, Section 6 of the Sexual Offence Act 1992-3 expands the definition of incest to include adopted children, step-children, wards or dependants; Part I, Section 4 prohibits marital rape; Part 1, Section 11 states that a person under 16 cannot give consent for the act of ‘indecent assault or serious indecency’; Part 1, Section 8 prohibits sexual intercourse with a ‘mentally sub-normal person’; Part 1, Section 3 states that a person under 14 is not capable of committing the offence of rape, while Part 1, Section 5(1) prohibits statutory rape of persons below 14 years.

Recommendation 11: Development and implementation of systematic national data collection and research efforts

Currently no integrated and comprehensive data system exists on violence against children in Barbados. However, data on certain forms of violence against children may be found in the annual reports of various agencies including the Child Care Board, the Police Force annual crime statistics and the annual reports of other organisations such as the Family Planning Association. The Family Planning Association produces data on teenage pregnancies in its annual reports. All of these can be accessed from the respective organisations on request. Data pertaining to the type of violence, the ages of the perpetrator and victim and the context of the violence are to be found in these annual reports. The Child Care Board is also in the process of developing an inter-agency child abuse protocol which would lead to the production of more comprehensive data on violence against children.

Barbados is one of the few countries in the Caribbean that maintains information on violence against children disaggregated by sex, age, ethnicity, nature of injury or death, cause of injury or death, geographical location of incidents of violence, context of the incident, date and time of the incident, relationship between the victim and perpetrator and referral source. It also maintains registries for births, deaths and marriages, as well as systems to capture data on children without parental care, systems to capture data on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention and systems to capture data on specific forms of violence against children.

Since 2009, Barbados has engaged in implementation of the use of indicators based on internationally agreed standards on violence against children. The Government of Barbados has been collaborating with UNICEF to develop mechanisms to improve data collection, disaggregation and dissemination focusing specifically on children. Staff at the National Statistical office in Barbados (and other Eastern Caribbean countries) have been trained to manage and disseminate data on children, and have developed online databases for sharing data and strategies for collecting and disaggregating data on children through a series of UNICEF sponsored Regional DevInfo and CensusInfo workshops. Additionally, based on a data assessment exercise conducted in Barbados and the Eastern Caribbean, a decision was made by the Government of Barbados to work with UNICEF to implement the MICS programme starting in 2011. These surveys collect and analyse data in order to fill data gaps for monitoring the situation of children and women. Indicators relating to violence against children are being developed and utilised within this context.

Two studies were conducted in Barbados focusing on child sexual abuse and corporal punishment.

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102 DevInfo is a powerful database system developed by UNICEF and used globally to compile and disseminate data on human development, and to support informed decision making. CensusInfo is an innovative and flexible database technology for the dissemination of population and housing census results. The software has been developed by the United Nations Statistics Division, in partnership with UNICEF and UNFPA, to help countries disseminate their census results on CD-ROM and on the web at any relevant geographical level.

B. CHALLENGES FOR FULL IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

The primary challenge or obstacle to the adoption and implementation of measures to respond to violence against children is the lack of effective interface and coordination among the various initiatives, programmes and entities seeking to combat violence against children. One initiative which is intended to help overcome this particular obstacle is the current work being done on creating an inter-agency protocol to deal with the issue of child abuse. Financial constraints and excessive bureaucracy within some partner agencies are two of the major challenges.

Other serious gaps and hurdles have been the slow rate of progress in the policy and legislative reform processes needed to facilitate the implementation of the study recommendations. The difficulty in this regard has been partly due to the failure to give the issue the prominence it should rightly receive on the national agenda against other competing issues at the forefront of the national agenda. The continued weaknesses in data collection, analysis and dissemination and the absence of integrated data systems critical to the formulation of data driven policy-making also present challenges for the adoption and implementation of recommendations to address violence against children. The main government agencies responsible for child protection and safeguarding the rights of the child, such as the Child Care Board and Royal Barbados Police Force, have been working steadfastly to influence national policy priorities through better advocacy, and partnerships have been formed with civil society and other entities including UNICEF. At the same time, the Government has been supporting and encouraging the development and expansion of the National Committee on the Rights of the Child, as a means of positioning children’s issues at the centre of government priorities and within the public domain.

Recommendation 2: Prohibit all violence against children

International treaties and standards

- Barbados has not ratified the following treaties: Optional Protocol to the CRC on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography; the third CRC Optional Protocol; the Convention on the Status of Refugees and its Protocol, Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of Persons with Disabilities; and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- At the regional level, Barbados has not ratified the: IACHR Protocol on Economic, Social and Cultural Rights (Protocol of San Salvador); the Convention on Traffic of Minors; Convention to Prevent and Punish Torture; and the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.
Internal legal framework

- There is an absence of specific laws or regulations to define the ‘worst forms of child labour’ or ‘hazardous work’ despite the four major laws covering protection of children from sexual exploitation: the Offences Against the Person Act; Chapter 141 (Part 1V) of the Sexual Offenses Act 1992-3; the Protection of Children’s Act; and Chapter 146A of the Punishment of Incest Act 148. Moreover, Barbados has amended the Employment (Miscellaneous Provisions) Act. This legislation controls the types of work that children can perform and limits the hours of work for children.

- There is need for legislation governing the procuring or offering of a child for the production of pornography or pornographic performances and for prohibiting the possession and dissemination of child pornography, including via the internet.

- A high proportion of children who appear to be victims of physical abuse, in most instances accompanied by psychological and emotional abuse. Statutory rape or sexual intercourse with a minor (below 16 years) was identified as the most common form of sexual abuse, while sexual abuse of boys by older men was another major form of abuse. Incest was viewed as being a very prevalent form of child abuse throughout the society, but it is concealed under ‘a cloak of silence’. As stated above, the law prohibits statutory rape of persons below 14 years, but the law needs to protect children between the ages of 14 and 16 from sexual violence.

- Continued public sensitisation on alternative, non-violent methods of disciplining children.

Recommendation 11: Development and implementation of systematic national data collection and research efforts

As mentioned earlier, Barbados has no integrated and comprehensive data system on violence against children. There is also no current research agenda on violence against children across settings or to address the protection rights of vulnerable children. The Child Care Board is in the process of developing a research agenda on all critical issues relating to child protection, including violence against children.

No national studies have been developed on violence against children, or on violence against children in a particular setting (the family and home environment, educational settings, institutional care and juvenile justice institutions, workplaces and the community).

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C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

Recommendation 2: Prohibit all violence against children

The Schools Positive Behaviour Management Programme was first piloted at Hillaby Turner Primary School in September 2007. This pilot programme of alternate discipline measures has now been expanded into 19 public primary schools, one private primary school, and one secondary school.  

BARBADOS: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Promising Practices</th>
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<tbody>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
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</table>
| Public Policies              | No comprehensive and integrated policy framework with respect to VAC. However the policy framework for the general protection of children is reflected in the mandate of the Child Care Board. | • Lack of effective interface and coordination at the programme level  
• Slow rate of policy and legislative reform  
• Weakness in data collection, analyses and dissemination systems and practices. | None identified |
| Coordination Mechanisms      | The Committee for Monitoring the Rights of the Child is responsible for coordination efforts. The Committee is made up of 10 members including representatives from government, NGOs, youth, the disabled, social services and the media. | There is a need for the strengthening of the Committee for Monitoring the Rights of the Child | None identified |
| **RECOMMENDATION 2**        |                                 |                                   |                     |
| International Treaties and Standards | Barbados has not ratified any relevant treaty since 2005 | A need to ratify all relevant international and regional instruments | None identified |
| Internal Legal Framework     | • Legislation provides redress for child victims  
• Corporal punishment is permitted in all settings  
• Corporal punishment is still lawful as a judicial punishment, in penal institutions and Reformatory Schools and in private foster care  
• Life imprisonment for children is prohibited (however children are held indeterminately in prison) | • A need to bring all laws into compliance with the CRC  
• Safeguard against the commercial sexual exploitation of children  
• Lower the number of cases of sexual abuse, and of commercial sexual exploitation of children (Singh, unpublished)  
• Enactment of legislation to protect children from being used in the production of pornography or for pornographic performances  
• Abolition of corporal punishment in all settings and a need to sensitize the public about alternative, non-violent disciplinary measures for children  
• A need for periodic review of cases of children who are sentenced to life imprisonment | None identified |
| **RECOMMENDATION 11**       | Maintenance of disaggregated data Implementation of the use of indicators based on internationally agreed standards on violence against children | Continued weaknesses in data collection, analyses and dissemination, and the absence of integrated data | Parent Education for Development in Barbados (PAREDOS)  
The Parent Education and support Programme-Positive Parenting Skills Seminars  
PEACE Programme |

### Monitoring Mechanisms

Government agencies (Child Care Board, Police Department), responsible for child protection have been working to influence national policy priorities through better advocacy, and partnerships with civil society and other entities including UNICEF. Government has been supporting and encouraging the development and expansion of the National Committee on the Rights of the Child, as a means of positioning all children’s issues more centrally among government priorities, as well as within the public domain.

The effective implementation of the NPA is dependent on appropriate coordinating and monitoring mechanisms including involvement and training and the central role of the Child Protection Steering Committee in collaborating with supporting agencies, including the Department of Social Development.

None identified

### Level of Participation of Children

Recommendations 1, 2 and 11: No evidence of the involvement of children in the implementation of these recommendations.
Recommendation 1: Strengthen national and local commitment and action

- Partner with private sector organisations with the aim of garnering financial support for the purpose of widening programme initiatives that deal with violence against children.
- Establish steering committees with carefully selected government officials and private sector leaders who are able to shape and recommend policies in relation to violence against children.
- Establish and implement programmes that promote child participation at every level through the adoption of best practices from other countries that have an active child participation mechanism.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all laws into compliance with the CRC and other relevant treaties. Prohibit explicitly all forms of violence.
- Provide legal protection from sexual violence for children aged between 14 to 16 years.
- Sensitise the public about alternative, non-violent disciplinary measures and work towards the abolition of corporal punishment in all settings.
- Review on a periodic basis, cases of children who are deprived of liberty.

Recommendation 11: Development and implementation of systematic national data collection and research efforts

- Establish integrated data gathering systems that are critical to the formulation of data driven policy, facilitating the adoption and implementation of the recommendations to address violence against children.
- Develop a research agenda on all critical issues relating to child protection, including violence against children.
- Train personnel as well as support mechanisms to implement and sustain the joint efforts initiated by the Government of Barbados in conjunction with UNICEF.
A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

One of the most significant developments in the process to implement the UNSVAC recommendations is the demonstrated commitment on the part of all stakeholders to develop a rights-based culture for children in Belize.

This commitment is demonstrated by the progress made by the various children’s organisations, government and civil society, in the following areas:

- A comprehensive review of the laws of Belize and a roadmap for their amendment
- A comprehensive review of the child protection system to identify areas of vulnerability
- A comprehensive review of the juvenile justice system
- An analysis of the situation of children with disabilities
- The establishment of National Resource Centre for Inclusive Education (focused on children with differing abilities for inclusive education)
- Signing the Convention on the Protection of Rights of Persons with Disabilities
- Adoption of the National Plan of Action (NPA) by the Government of Belize
- Publication of the NPA Monitoring and Evaluation Report
- The Multiple Indicator Cluster Survey to supplement data gaps
- Revitalisation of National Committee for Families and Children (NCFC)
- Establishment of the Ministry of Youth
- Key social protection reforms ongoing in the Ministry of Human Development
- Increase in budget allocation to the social sectors addressing children’s welfare through the Ministry of Education and Ministry of Human Development.

Belize’s ‘policy framework’ for the prevention of and response to incidents of violence against children is contained within the National Plan of Action for Children and Adolescents in Belize 2004-2015. This NPA represents a framework to further rationalise the delivery of sustainable services to Belizean children and adolescents, prioritising actions on behalf of children in the areas of education, health, child protection, HIV/AIDS and family and culture. As it is progressively implemented, this NPA is ensuring the well-being of the children of Belize under the guidance of the country’s national development agenda, the CRC and the MDGs.
The main initiatives to address violence against children promoted in the NPA are outlined in six targets:

1. A reduction in the number of incidents of abandoned and abused children.
2. The prevention and elimination of the worst forms of child labour as defined by national and international legislation.
3. A reduction in the rate of early pregnancy and adolescent parenthood to 15 per 1,000 births.
4. The promotion of access to and opportunities for education, health, economic and social development services for children and adolescents with disabilities and special needs; as well as the provision of access to rehabilitation services for a minimum of 60% of children and adolescents with disabilities.
5. The promotion of equal access and opportunities for children and adolescents of disadvantaged and immigrant populations in the services and programmes offered to the respective age groups.
6. A 50% reduction in the number of children committing offences as well as an 80% reduction in the rate of reoffending among child and adolescent offenders.

The institutions involved in providing these child-rights services are both government affiliated and non-governmental (inclusive of civil society and private sector).

Coordinating Mechanisms

The NCFC is charged with coordinating and monitoring the NPA in Belize. Other coordinating bodies include the Trafficking in Persons Task Force, the National Council on Community Service and the Crimes Commission. In addition to being plagued with so many challenges, the NCFC’s coordinating machinery is also compromised.

Recommendation 2: Prohibit all violence against children

Belize has ratified one relevant international treaty since 2005: the Convention on the Rights of Persons with Disabilities, and it is the only CARICOM country to ratify the IACHR Convention on International Traffic in Minors.

Internal legal framework

According to the response to the ‘Global Progress Survey’ (2011-12): The Constitution of Belize; the Families and Children’s Act Rev. (2000); the Domestic Violence Act (2007); the Criminal Code Rev. (2003); the Crime Control and Criminal Justice Act Rev. (2000); the Summary Jurisdiction Act Rev. (2000); the International Child Abduction Act (1989); the Trafficking in Persons (Prohibition) Act (2003); and the Labour Act, all protect children from all forms of violence, including sexual violence, in the family and home environment, educational settings, institutional care and juvenile justice institutions, workplaces, and the community. These laws also prohibit and prevent all forms of violence against children in Belize. Further research determined the following:
• A child is defined in Chapter 173 of the Families and Children Act Rev. (2000) Article 3 as “a person under 18 years”.
• Title V, Section 25 (1 and 2) of the Criminal Code, Rev. (2003) places the age of criminal responsibility at 9 years.
• Chapter 174, Part II, Section 5 (1) of the Marriage Act Rev. (2000) requires persons under 18 years to obtain parental consent for marriage.
• The minimum age for admission into employment for children is 12 years.\textsuperscript{108}
• According to the 2011-2012 Survey response, legislation does not provide redress for child victims of violence.
• The Survey also confirmed that legislation protects children who are neglected, abused and abandoned.
• The Survey indicated that corporal punishment is not permitted in all settings, but it is prohibited as a sentence for crime in the Abolition of Judicial Corporal Punishment Act (1978). Further research indicated that corporal punishment is not permitted in all settings, but it is prohibited as a sentence for crime in the Abolition of Judicial Corporal Punishment Act (1978). Further research indicated that corporal punishment is prohibited at the ‘Youth Hostel’ detention centre, residential care facilities and day care centres. It does, however, remain lawful in other penal institutions.\textsuperscript{109}
• Articles 50 (2) and 51 (4) of the Education and Training Act, 2010 prohibits corporal punishment at school, but corporal punishment is not prohibited at home. Legislation prohibits the application of capital punishment and life imprisonment as sentences for crimes committed by children of less than 18 years.
• With regard to sexual violence against children and adolescents, research determined the following: Part II, Title VII, Section 62 (1) of the Criminal Code prohibits incest by males while Section 63 prohibits incest by females; Part II, Title VII, Section 72 (1) of the Criminal Code, Rev. Part III, prohibits marital rape; Part I, Section 12 of the Sexual Offences Act, Rev. 2002, prohibits ‘serious indecency’; Part II, Title VII, Section 47 (2) (b) (i) states that the punishment for carnal knowledge (rape of girls under 14 years of age) is life imprisonment, whether this act takes place “with or without consent”; and Part II, Title VII, Section 47 (2) (b) prohibits unlawful carnal knowledge of an imbecile girl.

\textsuperscript{108}http://www.unhcr.org/refworld/country,,IRBC,,BLZ,,3df4be1420,0.html Accessed 21 August 2011.
\textsuperscript{109}See Supra Note 25.
Recommendation 11: Development and implementation of systematic national data collection and research efforts

A national gender-based surveillance system which captures information on child abuse is in place and is coordinated by the Ministry of Health with the active participation of the Police Department and Ministry of Human Development. Via this system, gender-based violence statistics are produced and disseminated annually by the Ministry of Health Epidemiological Unit. Annual reports produced by the Ministry of Human Development Human Services and Community Rehabilitation Departments, provide insights into child abuse statistics as well as the number and nature of juvenile offences. Monthly, quarterly and annual gender-based violence statistics are produced by the Belize Police Department.

The ‘Global Progress Survey’ (2011-12) indicates that detailed disaggregated data is maintained. Registries for births, deaths and marriages are maintained by the Vital Statistics Unit. The Community Rehabilitation Department, Youth Hostel, Wagner’s Youth Facility-Kolbe Foundation (Prison) also have systems to capture data on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention. The Ministry of Health, Police and Human Development Department capture data on specific forms of violence against children.

The commitment on the part of all stakeholders to develop a rights-based culture for children in Belize, with regard to Recommendation 11, is demonstrated by the progress made by the various children’s organisations, government and civil society, in the following areas:

- A comprehensive review of the laws of Belize and a roadmap for their amendment
- A comprehensive review of the child protection system to identify areas of vulnerability
- A comprehensive review of the juvenile justice system
- An analysis of the situation of children with disabilities
- The Multiple Indicator Cluster Survey to supplement data gaps - with support from UNICEF, Belize has participated in two rounds of the Multiple Indicator Cluster Survey, 2006 and 2011; a nationally representative survey that captures key information on the situation of children and women, with specific references to modules on Child Protection including child discipline, child marriages and child labour.

110 Ministry of Health and Environment, National Gender-Based Violence Registration Form, Belize.
B. CHALLENGES FOR FULL IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

The most serious gap and persistent challenge in the implementation of the UNSVAC recommendations in Belize is perhaps the shortfalls in terms of comprehensive functional and technical capacity of the NCFC. This entity is legally obliged under the FACA to act as the permanent mechanism of the Government of Belize to ensure policy coordination across sectors and agencies with responsibility for various aspects of child-rights advocacy and protection.

Part XII, section 149(a) of FACA, instructs the NCFC to promote, monitor and evaluate the implementation of the CRC and to ensure that the Government meets its national and international obligations as a party to the convention. Section 149(b), requires the NCFC to promote, monitor and evaluate implementation of the goals set at the world summits for children, through the Belize National Plan for Human Development, Children and Youth.

In order for the CRC and the goals set at its various world summits to be successfully implemented, the NCFC will need to promote these among the various agencies, government or civil society organisations working on children's rights issues. Implicit in this task of promotion however, is the indispensable requirement to coordinate the plans and programmes of these various entities at the policy level. This coordination is necessary, as are the ensuing monitoring and evaluation to determine whether promotion by the NCFC and the implementation by the child-rights organisations were successful in meeting the goals set at the world summits on children.

Section 149 (c) of FACA also makes it crystal clear that the NCFC also has the legal duty to coordinate the work of child-rights organisations in Belize. It instructs the NCFC to promote public awareness on the national legislation affecting families and children, and to facilitate effective planning and coordination of efforts among and between non-governmental organisations, service clubs, churches and other organisations involved in the provision of services for families and children.

While insufficient budget funds to ensure functioning of the NCFC may be another persistent challenge, the NCFC’s mandate is unclear. Hence, in order to resolve its financial difficulties, the NCFC needs also to clarify its function and the scope of its mandate.

Other outstanding legal challenges include the need to standardise laws on the rights of children and to establish an independent child defence or child protection body such as a Child Rights Ombudsperson.

Civil society groups believe the ombudsperson office is urgently needed to provide an alternative complaint mechanism. Civil society groups also identified the lack of permanent mechanisms for civil society involvement in policy development and the absence of a role for them in monitoring and evaluating the implementation of the CRC and NPA. They further recognised that there was inadequate coordination of child protection protocols and the lack of any systematic funding allocation on the government priorities for children and adolescents as identified in the NPA.
The final persistent challenge to implementation of the UNSVAC recommendations is the ineffective monitoring and evaluation of the NPA; another function for which the NCFC is legally responsible. The huge data gaps on the indicators may be caused by a lack of technical capacity and equipment; a situation compounded by the dissolution of the Social Indicators’ Committee and the disappearance of the NPA Monitoring and Evaluation Committee.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

- Belize has not ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

**Internal legal framework**

- There is a need for legislation that would provide redress, including compensation for child victims of violence.
- Legislation on sexual violence needs to be gender neutral as the sexual abuse of males is currently not recognised under the law.
- There is a need for further sensitisation of the public on alternative non-violent disciplinary measures for children, and continue working towards the full abolition of corporal punishment.
- Increase the minimum age for admission into employment.
- Although legislation prohibits the trafficking of persons, including children, this issue remains a challenge for the Government of Belize (e.g. a labour officer was appointed to monitor the situation within the Corozal commercial free zone in response to increasing reports of the sexual exploitation of children).
- There are no specific laws against pornography, but the Summary Jurisdiction (Offences) Act, Section 20-24 criminalises the trading, distribution, exhibition, possession, etc. of obscene and indecent objects, publications and language.
- Prohibition of corporal punishment in all settings is needed.

**Recommendation 11: Development and implementation of systematic national data collection and research efforts**

A national gender-based surveillance system which captures information on child abuse is in place and is coordinated by the Ministry of Health with the active involvement of the Police Department and Ministry of Human Development. However, comparisons between these three sources of statistics show significant discrepancies indicating the need for improved statistical coordination and strengthening of the wider systems.

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Ineffective monitoring and evaluation of the National Plan of Action is a persistent challenge identified within implementation of UNSVAC Recommendation 11 in Belize, even though the National Committee for Families and Children (NCFC) is obliged by law to carry out this function. The huge data gaps in the indicators may be caused by a lack of technical capacity and equipment by many agencies. The dissolution of the Social Indicators’ Committee and the defunct National Plan of Action Monitoring and Evaluation form additional challenges.

There are currently systems in place to capture data on children without parental care, but there have been no qualitative studies or surveys based on interviews with parents, caregivers and children, or studies and surveys to assess the impact of legal measures, nor have there been any other scientific research on violence against children, even on particularly vulnerable groups, since 2009.

THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

While the NCFC has an established role in this regard; very little progress has been seen to date.

BELIZE: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
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</table>
| Public Policies             | The policy framework is included in the National Plan of Action for Children and Adolescents in Belize 2004-2015 (NPA). | • The lack of comprehensive and technical capacity of the NCFC to ensure coordination of policy across sectors and agencies  
  • Lack of a Child Rights Ombudsperson  
  • No permanent mechanism for the inclusion of civil society in the development of policies regarding VAC  
  • Ineffective monitoring and evaluation of the National Plan of Action for Children | None Identified | The NCFC reported that very little progress has been seen in this regard |
| Coordination Mechanisms     | The NCFC is charged with coordinating and monitoring the NPA in Belize. Other coordinating bodies include the Trafficking in Persons Task Force, the National Council on Community Service, and the Crimes Commission. | The NCFC’s coordinating machinery is compromised. | None Identified | None Identified |
| Budget allocation           |                               |                                   |                     |                                   |
| RECOMMENDATION 2            |                               |                                   |                     |                                   |
| International Treaties and Standards | Only one relevant international treaty ratified since 2005 | Ratify the UN Convention on Marriage and the relevant IACHR Conventions | Belize has ratified almost all of the relevant international treaties |                                   |

113A study to assess the impact of legal measures to address violence against children was conducted in 2006. It was an analytical study titled ‘Child sexual abuse in Belize 2002 – 2005: An analysis of the criminal justice response. National Committee for Families and Children, 2006 Committee.
### Internal Legal Framework

<p>| | | |</p>
<table>
<thead>
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<tbody>
<tr>
<td><strong>•</strong> A demonstrated commitment on the part of all stakeholders to develop a rights-based culture for children in Belize (GPS 2011-12)</td>
<td><strong>•</strong> A comprehensive review of the laws of Belize and a roadmap for their amendment (GPS 2011-12)</td>
<td><strong>•</strong> A need for legislation to provide compensation to child victims</td>
</tr>
<tr>
<td><strong>•</strong> Incest is also prohibited by females, and life imprisonment is imposed as a sentence for carnal knowledge ‘with or without consent’</td>
<td><strong>•</strong> A comprehensive review of the juvenile justice system (GPS 2011-12)</td>
<td><strong>•</strong> A need for gender neutral legislation on sexual violence against children</td>
</tr>
<tr>
<td><strong>•</strong> Judicial corporal punishment, capital punishment and life imprisonment are all prohibited under the law</td>
<td><strong>•</strong> Incest is also prohibited by females, and life imprisonment is imposed as a sentence for carnal knowledge ‘with or without consent’</td>
<td><strong>•</strong> A need to sensitise the public about alternative, non-violent disciplinary measures for children.</td>
</tr>
<tr>
<td><strong>•</strong> There is legislation in place to protect children from being trafficked, from defilement, and from the worst forms of child labour</td>
<td><strong>•</strong> A comprehensive review of the juvenile justice system (GPS 2011-12)</td>
<td><strong>•</strong> Increase the minimum age for admission into employment</td>
</tr>
<tr>
<td><strong>•</strong> There is legislation in place to protect children from being trafficked, from defilement, and from the worst forms of child labour</td>
<td><strong>•</strong> A comprehensive review of the juvenile justice system (GPS 2011-12)</td>
<td><strong>•</strong> Prohibition of corporal punishment in the home</td>
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### RECOMMENDATION 11

### Information Systems and Data Collection

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<tr>
<td><strong>•</strong> National gender-based surveillance system on VAC exists</td>
<td><strong>•</strong> Significant discrepancies in data from multiple sources</td>
<td><strong>•</strong> No documented efforts to implement the use of indicators based on internationally agreed standards on VAC.</td>
</tr>
<tr>
<td><strong>•</strong> Disaggregated data is maintained.</td>
<td><strong>•</strong> Ineffective monitoring and evaluation of the National Plan of Action</td>
<td><strong>•</strong> Research efforts are ad hoc and uncoordinated, and generally reflective of single studies with no specific agenda for studying of VAC across settings</td>
</tr>
<tr>
<td><strong>•</strong> Registries for births, deaths and marriages are maintained</td>
<td><strong>•</strong> Data gaps on indicators which is possibly due to lack of technical capacity and equipment by many agencies</td>
<td><strong>•</strong> Minimal information available on target areas relevant to abandonment and abuse, child and adolescent labour, children with disabilities, youth violence and juvenile offenders.</td>
</tr>
<tr>
<td><strong>•</strong> Systems to capture data on children deprived of liberty exist</td>
<td><strong>•</strong> No systems to capture data on children without parental care. No qualitative studies or surveys based on interviews with parents/caregivers and children or studies or surveys to assess neither the impact of legal measures nor any other scientific research on violence against children, including on particularly vulnerable groups, since 2009</td>
<td><strong>•</strong> Lack of indicators defining social inclusion</td>
</tr>
<tr>
<td><strong>•</strong> The Ministry of Health, Police and Human Development Department capture data on specific forms of violence against children</td>
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### Monitoring Mechanisms

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<td>None Identified</td>
<td>None Identified</td>
<td>None Identified</td>
<td>None Identified</td>
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### Level of Participation of Children

Recommendation 1, 2 and 11: No evidence of children’s involvement in the implementation of these recommendations.
There have been no documented efforts to use indicators based on internationally agreed standards on violence against children since 2009. Reports also state that research efforts on a whole are at best ad hoc and uncoordinated and are generally reflective of single studies with no specific agenda for analysing violence against children across settings. Other than the 2004 UNICEF supported study on the impact of crime and violence on children and adolescents and the previously noted surveys, no such national studies have been developed or implemented within or across settings on violence against children.

The UNICEF situation analysis of children and women in Belize 2011 (UNICEF, 2011) details status and equity in protective assets and indicates that there are challenges relating to the availability of information on target areas relevant to abandonment and abuse, child and adolescent labour, children with disabilities, youth violence and juvenile offenders. It also reveals a lack of indicators relating to the definition of social inclusion.
FINAL CONSIDERATIONS FOR BELIZE

**Recommendation 1: Strengthen national and local commitment and action**

Strengthen the functional and technical capacity of the NCFC by first conducting an institutional analysis to determine gaps and design interventions and programmes to close these gaps. This institutional analysis should focus on evaluating the following priority areas: governance, human resources, financial management, service delivery, operations management, public relations and advocacy.

**Recommendation 2: Prohibit all violence against children**

- Ratify all relevant international and regional treaties.
- Bring all legislation into compliance with the CRC.
- Continue working towards the full abolition of corporal punishment.
- Increase the minimum age for admission into employment
- Address the emergent situation of trafficking of children.

Enact legislation to protect all children from all forms of sexual abuse and exploitation, including being used in the production of pornography or for pornographic performances.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

- Establish a centralised, integrated data management system, strengthened data collection methods and reporting across settings.
- Tackle discrepancies in data from multiple sources, there is need for improved statistical coordination and strengthening of wider systems.
- Implement data gathering on prevalence and incidence and to establish reporting mechanisms for child labour, children without parental care, children with disabilities, juvenile offenders including repeat offenders (UNICEF, 2011).\(^{114}\)
- Undertake studies on protection of the rights of indigenous children (e.g. Maya groups on issues of early marriage).

\(^{114}\)The Situation analysis indicates that these categories of children in Belize are in highest need of protection
DOMINICA

A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

A comprehensive public policy for violence against children does not exist in Dominica; however there are a number of existing policies targeting particular sectors or institutions that address violence against children and these include:

- The National Plan of Action on Child Sexual Abuse, which is awaiting formal approval
- Policies that target violence in schools and other educational settings—these include: Crisis Management Policy, Child Abuse Reporting Procedures and the Early Childhood Education Policy
- The Policy on Violence in the Care and Justice System Policy

In addition to the above, the country has made numerous efforts to strengthen the machinery for VAC prevention and response and has undertaken the following actions in favour of the rights of the child:

1. Proposed construction of a Rehabilitation Centre for Juveniles – Efforts have intensified for the construction of a community based Rehabilitation Centre for Juveniles. The facility will serve as a place of safety for juveniles on remand and also accommodate those serving custodial sentences, thereby avoiding the need to house juveniles with adult convicts at the State Prison. Opportunities for skills development will also be offered at the facility.

2. Residential Care – Children in need of care and protection can now be temporarily placed in residential care. The new CHANCES facility serves children who find themselves in emergency situations on account of being abused, or who are unable to find secure accommodation when confronted with other risks.

3. National Action Plan on Child Sexual Abuse – A National Plan on Child Sexual Abuse has been produced and is being processed for implementation. The Plan is the product of a UNICEF-commissioned study on child sexual abuse. It contains implementation strategies, actions to provide support for child victims and actions to discourage perpetrators.
Coordinating Mechanisms

Cooperation among child protection agencies and NGOs is satisfactory. However, a more coordinated approach is needed to enable greater participation by other NGOs and the Private Sector. Media concerns are active participants, but greater sensitivity to children’s issues would help enhance their role. In the past, UNICEF has supported training for both journalists and religious leaders; as they also have a critical role to play in the prevention of sexual exploitation.

The Ministry of Social Services, Community Development and Gender Affairs is in the process of reviving the Cabinet sanctioned Inter-Ministerial Committee on Children’s Affairs. The Committee’s task is to identify and implement selected matters relating to children from each Ministry in a coordinated way.

**Recommendation 2: Prohibit all violence against children**

*International treaties and standards*
No relevant international or regional treaties have been ratified since 2005.

*Internal legal framework*
According to the response to the 2011-2012 ‘Global Progress Survey’: the Sexual Offences Act No. 1 of 1998; the Children and Young Persons Welfare Act, Chapter 37:50 (1970); and the Domestic Violence Act No: 22 of 2001 protect children from all forms of violence. These laws also prohibit and prevent all forms of violence against children in Dominica. Further research indicated the following:

- A child is defined in Section 2 of the Sexual Offences Act No. 1 of 1998 as “a person below 18 years”.
- Section 3 of the Children and Young Persons Welfare Act, Cap 37:50 places the age of criminal responsibility at 12 years, but a person below 14 is incapable of committing the offence of rape (section 3 of the Sexual Offences Act No. 1 of 1998).
- Sexual Offences Act No. 1 of 1998 requires persons below 16 years to obtain parental consent for marriage.
- The minimum age for admission into employment for children is 12 to 14 years.\(^\text{115}\)
- According to the response to the 2011-2012 Survey, legislation provides redress for child victims.
- The Survey also confirmed that legislation protects children who are neglected, abused and abandoned.

• The response to the Survey confirmed that corporal punishment is permitted in all settings. Further research indicated the following: Article 5 of the Children and Young Persons Act authorises “any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment”. Article 49 of the Education Act (1997) authorises corporal punishment in public and private schools. The Survey indicated that the penal code authorises corporal punishment as a sentence for a crime committed by a person below 18 years. For instance, the Juvenile Offenders’ Punishment Act (1881) provides for any High Court Judge to order a boy under 14 who has been convicted of any offence “to be privately whipped”. Capital punishment as a sentence for a crime committed by children below 18 years is prohibited. However, children can be detained indeterminately at the President’s pleasure, which is often considered equivalent to life imprisonment.\(^{116}\)

• With regard to sexual violence against children and adolescents, research determined the following: Section 9(1) of the Sexual Offences Act prohibits incest by all adults and applies the expanded definition of incest to include any minor who is the adult’s “adopted, step-child, ward or dependant, or who is in the adult’s care”. It is also immaterial if the child consents. Part I, Section 3(3) of the Sexual Offences Act, prohibits marital rape; Section 13 of the Sexual Offences Act, prohibits serious indecency; a girl under the age of 16 cannot give consent to sexual intercourse in accordance with Section 4(2) of the Sexual Offences (Amendment) Act No. 9 of 1992; and Section 14(3)(b)(iii) Part II, Title VII, Section 47(2)(b) prohibits sexual intercourse with a person suffering from a mental disorder.

• Part II, Section 18, 19 and 20 of the Sexual Offences Act prohibits procuring the defilement of a person, while Section 22 prohibits abduction. With regard to the trafficking of children, Dominica ratified ILO Convention 182 on the worst forms of child labour, and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Chapter 18:01 of the Revised Laws of Dominica, Section 27B of the Immigration and Passport Act provides that a person is guilty of an offence of human trafficking if that person assists any other person to enter or leave Dominica in an unlawful manner.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

There is currently no centralised national system to maintain data on violence against children although the Government recognises that a system should be in place to hold all agency data on child abuse under one agency such as the Statistical Department. Efforts are being made to upgrade the data system at the Social Welfare Division with assistance from UNICEF. It is anticipated that a more comprehensive collection system would bring improvement in data collection, compilation, analysis and dissemination.

The Child Abuse Prevention Unit at the Social Welfare Division performs monthly and annual data compilation and analysis and the Child Protection Agencies file reported cases to this Unit. Members of the public have also reported cases that have been investigated and substantiated. The information on compiled data is released to the public through the media. Members of the public and institutions can also access the data. Data is disaggregated by age, sex and geographical location of the incident of violence. Registries for births, deaths and marriages are maintained. Systems are in place to capture data on children deprived of liberty, including in the criminal justice system, administrative detention, and pre-trial detention as well as to capture data on specific forms of violence against children.

The National Drug Prevention Unit, for instance, serves as a National Resource Centre on Alcohol and Substance Abuse and is currently working on the creation of a Drug Information Network with several partners. One of the unit’s main programme areas is engaging in research and providing up-to-date information on the drug situation. Dominica was also included in the UNICEF-commissioned study on Child Sexual Abuse in six Eastern Caribbean Countries that examined perceptions of attitudes to and opinions on child sexual abuse.

Attempts have been made to improve monitoring, and such efforts mean, for instance, that 85 children who are in care are now wholly supported by the State. Regular home visits are undertaken by Social Welfare Officers for home supervision including dialogue with foster children as a means of monitoring and evaluating the level of care provided. However, no evaluation exercise has been undertaken with regard to existing counselling programmes. There is no formalised policy on a complaints procedure; however, Child Protection Agencies do meet periodically to review the Child Abuse Reporting Procedures in order to achieve greater efficiency in protecting children.

**B. CHALLENGES FOR FULL IMPLEMENTATION**

**Recommendation 1: Strengthen national and local commitment and action**

The Government of Dominica has identified several challenges to full implementation of the cited recommendations and these are:

1. **Financial Constraints** - The global economic situation has impacted on Dominica’s ability to generate necessary finances for the delivery of services, programmes and activities related to children. Despite this challenge, budgetary allocation to matters related to children has increased over the years. Funding from donor agencies has remained steady and cooperation agreements have signalled continuity.
2. **Absence of a Family Court** - Matters related to children and families are heard within the mainstream Court system. A Family Court would create a child friendly atmosphere and reduce the long delays in the disposal of cases. The OECS Draft Family Model Bill on a Family Court should be revised and enacted. The OECS proposal on having one comprehensive Court structure under one umbrella is being pursued by Dominica.

3. **Delay in Disposal of Court Cases** - Matters related to children remain in the Court system for an average of three years, which is far too long. This results in disinterest on the part of child victims and their families. Alleged abusers take advantage of those delays to enter into out-of-Court settlements.

4. **Lack of Clinicians** - Child abuse victims and juvenile offenders need the assistance of counsellors and clinical psychologists to assist with their rehabilitation. There is dire need for more professionally trained counsellors and psychologists. Training opportunities should be made available. A Unit staffed by clinicians could be created within the Public Service with referrals from all sectors.

5. **No National Plan of Action on Children** - Dominica does not have a National Plan of Action on children in place. The creation of such a Plan under one umbrella, would allow for all matters related to children to be addressed strategically on a National level. This would provide the advantage of better co-ordination and greater focus. The UNICEF Barbados Office is currently providing technical support in this area.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

- Dominica has not ratified the: Covenant on Civil and Political Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of Persons with Disabilities; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; or the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000).

- At the regional level, Dominica has not ratified the: IACHR Protocol on Economic, Social and Cultural Rights (Protocol of San Salvador); Convention on the Traffic of Minors; Convention to Prevent and Punish Torture; or the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

**Internal legal framework**

- Dominica should ratify all relevant international and regional instruments.
- There is a need to bring all legislation into conformity with the CRC and its three Optional Protocols.
- There is a need for legislation that would provide redress, including compensation for child victims of violence.
- The public should be sensitised about alternative non-violent disciplinary measures for children, and there is need to work towards the full abolition of corporal punishment.
• Increase the minimum age for admission into employment.
• Although Dominica has ratified the CRC Optional Protocol on the sale of children and ILO Convention 182 on the worst forms of child labour, there are no specific laws against child pornography and the trafficking of children.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

There is a need for more disaggregated data and systems to capture data on children without parental care. No data collection and research activities have been carried out with regard to violence against children since 2009, nor have any measures been undertaken or envisaged to implement the use of indicators based on internationally agreed standards on violence against children. There is no research agenda on violence against children across settings or for addressing vulnerable children. No national studies have been undertaken with regard to violence against children in particular settings. The challenges reported include financial constraints, inadequate staffing at Child Protection Departments, very few reporting protocols, and ineffective implementation of laws.

There is no independent complaints mechanism, although however, the Social Welfare Division receives reports of child abuse and compiles data accordingly. Reports are also made to Law Enforcement Officials.

**C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

The Government of Dominica actively promotes and encourages youth participation at the local and national levels through several initiatives. The level of involvement of children is limited to specific activities and their participation in the fulfilment of UN Study Recommendations 1, 2 and 11 is non-existent. Illustrations of more general youth participation include:

The Education system recognises participation by students. The involvement of students in debates, mock parliaments and various youth forums provides an avenue for self-expression.

Student Councils provide an active forum for the voice for students. A current Child-Friendly School initiative is providing principals and teachers with training to ensure that student councils are actively engaged in the governance of schools. All primary and secondary schools are expected to have functioning student governance bodies. UNICEF and Child Fund Caribbean with support from Child Fund International have been assisting with training in child participation strategies.

• The Youth Development Division, The Drug Prevention Unit, the HIV/AIDS Unit, the Dominica Planned Parenthood, Youth Advocacy Movement (YAM), the Dominica Youth Environmental Organisation (DEYO) and various service clubs create a platform for youth development and expression in Dominica.
• Children have been involved in the formation of Policies including; the recommendation that the age of sexual consent be increased to 18 years. This is currently under consideration. Children and youth are key factors in sensitising their peers on the dangers of HIV/AIDS and drug use.
• The Youth Development Division of the Ministry of Culture, Youth and Sports administers a number of youth groups that organise activities and programmes including some examples that cover child rights’ issues.
• A Youth Policy has been adopted by the Cabinet. The document outlines specific aims and objectives of the NYC alongside policy directives and commitments in specific areas.

DOMINICA: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
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<tbody>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
<td></td>
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<tr>
<td><strong>Public Policies</strong></td>
<td>No existing policies that address VAC.</td>
<td>• Financial constraints</td>
<td>None Identified</td>
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<tr>
<td>Sectoral policies include:</td>
<td>National Plan of Action on Child Sexual Abuse (awaiting formal approval)</td>
<td>• Absence of a family court</td>
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<td>Crisis Management Policy, Child Abuse Reporting Procedures and the Early Childhood Education Policy Violence in Care and Justice System Policy</td>
<td>• Delay in disposal of court cases</td>
<td>• Lack of qualified professionals involved in child care (particularly clinicians)</td>
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<tr>
<td>• No National Plan of Action for Children</td>
<td>• No National Plan of Action for Children</td>
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<tr>
<td><strong>Coordination Mechanisms</strong></td>
<td>The Ministry of Social Services, Community Development and Gender Affairs is in the process of reviving the Cabinet sanctioned Inter-Ministerial Committee on Children’s Affairs. The Committee’s task is to identify and implement, selected matters from each Ministry related to children in a coordinated way.</td>
<td>None Identified</td>
<td>The Child Abuse Management Procedures - An inter-agency Protocol for the processing of child abuse cases. This has the effect of ensuring that every abused child is attended to by Child Protection Agencies in a coordinated way thereby responding accordingly to identified needs.</td>
</tr>
<tr>
<td><strong>International Treaties and Standards</strong></td>
<td>Dominica has not ratified any international or regional treaties since 2005.</td>
<td>Dominica needs to ratify all relevant international and regional treaties.</td>
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</tr>
<tr>
<td><strong>Internal Legal Framework</strong></td>
<td>• Corporal punishment is still legally permitted in all settings</td>
<td>• Bring laws into conformity with the CRC</td>
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<tr>
<td>• Children are still being held indefinitely in prisons at the President’s pleasure.</td>
<td>• Enact legislation that would provide child victims with redress</td>
<td>• Amend the Sexual Offences Act No.1 of 1998 to provide for mandatory reporting and to create penalties for persons engaged in out of court settlements on child abuse matters</td>
<td>The Ministry of Education Child Friendly School initiative provides schools with training to encourage teachers to engage in positive behaviour practices offering an alternative, non-violent discipline approach.</td>
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<tr>
<td>• Children should not be held indefinitely in prisons</td>
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### RECOMMENDATION 11

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<thead>
<tr>
<th>Information Systems and Data Collection</th>
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<tr>
<td>• No centralised national data collection system is in place. The Social Welfare Division receives reports of child abuse and compiles data accordingly. Reports are also made to Law Enforcement Officials.</td>
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<tr>
<td>• Data disaggregated only by sex, age and location.</td>
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<tr>
<td>• Registries for births, deaths and marriages are maintained.</td>
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<tr>
<td>• Systems are in place to capture data on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention. They also capture data on specific forms of violence against children.</td>
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<tr>
<td>• Lack of comprehensive data collection system creates challenges for data collection, compilation, analysis and dissemination</td>
</tr>
<tr>
<td>• Financial constraints</td>
</tr>
<tr>
<td>• Inadequate staffing at Child Protection Departments, very few reporting Protocols and ineffective implementation of Laws</td>
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<tr>
<td>• There is no independent complaints mechanism</td>
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<td>None identified</td>
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<tr>
<th>Monitoring Mechanisms</th>
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<tr>
<td>There is no formalised policy on complaints procedure; although the Child Protection Agencies do meet periodically to review the Child Abuse Reporting Procedures in order to achieve greater efficiency in protecting children.</td>
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<tr>
<td>Lack of trained personnel, including researchers, counsellors and clinical psychologists</td>
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<td>None identified</td>
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<th>Level of Participation of Children</th>
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<tr>
<td>Recommendation 1: Youth participation in policy is actively promoted at the local and national levels through various initiatives</td>
</tr>
<tr>
<td>Recommendation 2: No involvement identified</td>
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</tbody>
</table>
Recommendation 1: Strengthen national and local commitment and action

- Develop and implement a National Plan of Action on Children.
- Centralise services and organisations (government and NGOs) under one umbrella to foster a coordinated approach to stop violence against children.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all laws into compliance with the CRC and other relevant treaties.
- Sensitise the public about alternative, non-violent disciplinary measures, and work towards the abolition of corporal punishment in all settings.
- Increase the minimum age for admission into employment.
- Review cases of children who have been sentenced to life on a periodic basis.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Establish a centralised and more comprehensive data collection system that maintains disaggregated data and data on children without parental care; among other indicators.
- Focus on developing a research agenda, emphasise data collection and research activities on violence against children within and across settings, including a focus on vulnerable children.
- Use indicators based on internationally agreed standards on violence against children.
- Identify resources (human and financial) to develop, implement and monitor reporting protocols, gather data and disseminate information.
- Create mechanisms that encourage the proactive involvement of children, including children’s voices and views in research and child-friendly reporting protocols.
A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

Grenada has made significant advances towards compliance with the recommendations set out in the UNSVAC study in the past five years. As a result, provisions have been made to ensure that the necessary structures, policies and programmes are in place to facilitate the implementation of child protection recommendations in Grenada. Some of the major accomplishments of Grenada in the past five years include:

- Legal provisions to enshrine the rights of children
- The establishment of the Child Protection Authority
- Expansion of existing programmes and creation of new programmes aimed at protecting the rights of the child
- Facilitation of continued staff training
- Recognition of the potential contribution of children to the development of society
- The revision of social safety nets

The following measures have been taken at the policy level in the past five years:

- Concept Note for the creation of a Family Court
- National Child Abuse Protocol 2011
- National Domestic Violence and Sexual Abuse Protocol 2011
- Child Protection Authority

- Established as a result of enactment of the Child Protection and Adoption Act December 2010, coming into effect in May 2011
- Interagency approach that vests the State Child Protection mandate in the Ministry of Social Development, National Children’s Home and the Child Welfare Authority.

Coordinating mechanisms

The Child Protection Authority and the Ministry of Social Development take the lead role in coordinating action to address violence against children in Grenada:

- Child Protection Authority - performs the role of placing children as prescribed under the old Act; but is now also responsible for overseeing all arrangements provided for in the legislation in terms of fostering, adoption and institutional care as an extension of the Child Protection and Adoption Act which came into effect in May 2011.
The Ministry of Social Development implemented the National Parenting Programme (NPP) to provide overall direction, training and information for parents and guardians throughout the State of Grenada. The programme is implemented in collaboration with over ten Government and Non-governmental stakeholders.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**


**Internal legal framework**

According to the response to the Grenada ‘Global Progress Survey’ (2011-2012), the Child (Protection and Adoption) Act (2010), the Domestic Violence Act (2010), the Criminal Code (Amendments), the new Sexual Harassment Act (2010), the Status of the Child Act, the Child Maintenance Act (2010), and the pending legislation on Juvenile Justice and for the creation of a Family Court, all provide protection from violence to children. These laws also prohibit and prevent all forms of violence against children in Grenada.

- A child is legally defined as a person who is under 18 years of age (UNCRC, 2007b).
- The age of criminal responsibility is 7 years.\(^{117}\)
- The Marriage Act specifies that the minimum age for marriage is 21 years, but persons between 18 and 21 can be married with the consent of a parent or a legal guardian.
- The minimum age for admission into employment for children is 16 years.\(^{118}\)
- The response to the 2011-2012 Survey states that legislation provides for redress for child victims.
- The Survey also confirmed that there is legislation to protect neglected, abused and abandoned children.
- The Survey response also stated that corporal punishment is not prohibited in all settings. Research indicates that corporal punishment is lawful in the home according to Article 54 (i) of the Criminal Code and it is also lawful in schools under the Education Act (2002), Act No.11 (2003) and Article 54 (i) of the Criminal Code, while Article 70 of the Criminal Code states that corporal punishment is lawful as a sentence for crime for males. This form of punishment is also lawful as a disciplinary measure in penal institutions, but not in care institutions as the approval of the Grenada Bureau of Standards GDS 654:2002 and Licensing of Child Care Homes prohibit this type of punishment in care institutions.\(^{119}\)
- Section 234 of the Criminal Code prohibits the death sentence being pronounced or recorded against a person convicted of murder if the person was under the age of 18 years at the time the offence was committed.\(^{120}\) The survey confirmed that a person under the age of 18 can be sentenced to life imprisonment, but the Prison Review Board can review the

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\(^{118}\) UNHCR http://www.unhcr.org/refworld/pdfid/4e8c397e0.pdf accessed 21 August 2012

\(^{119}\) Refer to the Global Initiative to End Corporal Punishment (GIEPC) for all information in Table 9 www.endcorporalpunishment.org Accessed 18 August 2012
prisoner's status after five years for possible early release on the basis of good behaviour.121

- Sexual violence against children is prohibited in various documents: Section 187 of the Criminal Code prohibits incest with children of less than 13 years,112 the Criminal Code prohibits an assault on a male or female person and consent is immaterial;121 and Section 178 of the Criminal Code states that a female under 13 years of age cannot give consent to sexual intercourse.124

- Section 188(a) of the Criminal Code contains provisions outlawing prostitution and other unlawful carnal connection, specifically for females under 21 years of age; and Grenada ratified the ILO Convention 182 on the worst forms of child labour, and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

Grenada does not maintain a national data system on violence against children. Administrative data is collected by the Community Relations Department of the Royal Grenada Police Force (RGPF), Ministries of Health, Education, Social Development and the Child Protection Authority. However, despite the multiplicity of data collection within the various agencies, those entities with the mandate to protect the children of Grenada from experiencing violence publish no annual reports, although the Child Protection Authority does produce an annual report that provides child abuse statistics.

The Registrar General’s Department of the Ministry of Health maintains a registry of births and deaths that is shared with the Central Statistical Office (CSO) as part of the vital statistical data. The CSO has now completed the 2011 national census exercise and the data is currently in the process of being analysed.

No data on the crimes committed against children was available from Grenada. However, the RGPF Criminal Records Office indicates that there were 1,630 reported cases of sexual offences from 2000 to 2010. The Central Statistical Office compiles statistics on domestic violence. The Central Statistical Office data for the period 2009 to 2011 reveals that data are maintained for offences committed by children and adolescents; disaggregated by the nature of the offence. However, no similarly disaggregated data were identified for offences against children. The annual report published by the Child Protection Authority in Grenada reflects statistics disaggregated by specific forms of violence against children.

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121 Singh, 2008 (Unpublished). This study was commissioned by UNICEF’s Caribbean Area Office as part of a larger consultancy to provide technical assistance to the Member States of the OECS and the UK Caribbean Overseas Territories on the child justice system.
122 No protection is given to children suffering abuse by family members/relatives of the same sex.
124 If the child is over 13 but under 16 years, the perpetrator can utilise the “honest belief” defence of the child being over 16 years of age.
All suspected cases of abuse must be reported to the Director of the Child Protection Authority, including abuse by a police officer. As Grenada does not have a sexual offender register, most employers require a Police Certificate of Character from prospective employees wishing to work with children. Prospective employees who have a criminal record as well as those who have been convicted are therefore not able to find employment. The Child Protection Authority enforces this policy. Conviction of a criminal offence constitutes grounds for immediate dismissal for any employee of the Authority and in the Public service in Grenada.

B. CHALLENGES FOR FULL IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

The full implementation of this recommendation has been challenged over the past five years by challenges embedded in the need for intra-agency and inter-agency coordination of institutional arrangements. Furthermore, the involvement of children should be sought in the reform process. While it would be premature to determine the quality of life of Grenada’s children, given that the various measures being implemented to address the rights of the child are at an embryonic stage, it is nonetheless imperative that comprehensive evaluations of the various programmes be conducted to assess their levels of efficacy.

There is currently no independent children’s ombudsperson, but the Grenada National Coalition for the Rights of the Child (GNCRC) and the Grenada National Council for the Disabled (GNCD), (which addresses issues of violence committed against their target population of children with disabilities) are operating as the focal agencies advocating for children’s rights in Grenada.

Recommendation 2: Prohibit all violence against children

International treaties and standards

Internal legal framework

- Grenada should ratify all relevant international and regional instruments.
- Bring all legislation into conformity with the CRC.
- Create legislation that would provide compensation for child victims of violence.
- Sensitise the public about alternative, non-violent disciplinary measures for children, and to work towards the full abolition of corporal punishment.
- Although Grenada has ratified the CRC Optional Protocol on the sale of children and ILO Convention 182 on the worst forms of child labour, there are no specific laws against child pornography and the trafficking of children.
- Establish an Ombudsperson to assist with child protection in Grenada.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

The RGPF collects data on the perpetrators of crimes and not the victims; therefore trends in data cannot be analysed at this time. Those reports of violence against children specified in the crime statistics collected by the police are primarily sex crimes against girls including: indecent assault, unlawful carnal knowledge and defilement of a female. As there is no juvenile detention centre in Grenada, alternative sentencing is employed for children of less than 18 years who have committed offences. Data pertaining to children deprived of liberty, including the criminal justice system, administrative detention, and pre-trial detention are unavailable. However, Her Majesty’s Prison, Richmond Hill, Grenada is currently in the process of converting its files to an electronic database. There are no data on children without parental care.

No national studies on violence against children have been commissioned since 2009 (Grenada was included on the child sexual abuse study in the Eastern Caribbean). There has been no established research agenda to assess the impact of violence against children across settings in Grenada and there are currently no measures to implement the use of indicators based on internationally agreed standards on violence against children.

**C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

In Grenada, the involvement or consultation of children in advocacy is virtually non-existent and most of the participation is encouraged by NGOs such as the Grenada National Coalition for the Rights of the Child (GNCRC).

The Ministry of Education Early Childhood Unit has enlisted the involvement of children in designing campaigns for the annual child month celebrations and children have been involved in the creation of slogans related to the theme. One of the innovative strategies used to enlist the participation of children here was to engage them in a non-threatening and non-violent environment which allowed their cultural identity to emerge. This environment afforded children the opportunity to express themselves freely and to feel that their voices are heard and respected.

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In an effort to enlist the services of children, the Guidance and Counselling Unit, has embarked on Peer Counselling training. The peer counsellors are students recommended by the Guidance Counsellors who will be trained to counsel their peers and refer them on to the Guidance counsellors where necessary.

The GNCRC NGO advocates for the rights of the child and has a vibrant youth arm engaging in activities in response to violence against children. In order to achieve the fullest possible impact, GNCRC needs to recruit young members and the organisation is planning to approach the T. A. Marryshow Community College to find potential interns who can be trained as peer educators.

Another non-governmental agency, the Grenada National Organisation of Women Inc (GNOW), has also enlisted youth participation in many of its community outreach programmes, most notably in their Let the Youth Speak initiative for upper primary and secondary school students. This forum was used to discuss topics such as sexual health, sexuality, STIs and HIV/AIDS in a way that allowed children to express themselves, but a lack of funding means the programme is temporarily on hold.

It should be noted that the advocacy work on violence against women and girls performed by GNOW through their community outreach programmes has led to the public viewing them as an agency that reports cases of child abuse. In some cases, initial reports of abuse have been made to GNOW who have re-directed them to the relevant authorities.

GRENADA: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Policies</strong></td>
<td></td>
<td>• Limited intra and inter-agency coordination of institutional arrangements</td>
<td>None Identified</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• No independent children's ombudsperson</td>
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<tr>
<td></td>
<td>• Existing policies include:</td>
<td></td>
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<td></td>
<td>• Concept Note for the creation of a Family Court</td>
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<tr>
<td></td>
<td>• National Child Abuse Protocol 2011</td>
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<tr>
<td></td>
<td>• National Domestic Violence and Sexual Abuse Protocol 2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Child Protection Authority</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Coordination Mechanisms**

| The Child Protection Authority and the Ministry of Social Development have the lead role in coordinating action to address violence against children in Grenada. | None Identified | None Identified |
**RECOMMENDATION 2**

<table>
<thead>
<tr>
<th>International Treaties and Standards</th>
<th>Grenada has ratified two relevant international treaties since 2005.</th>
<th>A need to ratify all relevant international and regional treaties</th>
<th>None identified</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal Legal Framework</strong></td>
<td>• A higher minimum age for marriage than other countries in the region</td>
<td>• A need to bring all legislation into compliance with the CRC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Legislation provides redress for child victims</td>
<td>• A need to increase the age of criminal responsibility in line with the OECS proposed age of 12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Sexual offences are dealt with primarily through the Criminal Code</td>
<td>• Urgent need for a comprehensive statute on sexual offences</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Corporal punishment is legal in all settings except in Child Care institutions</td>
<td>• Expand the definition of rape and enact legislation that prohibits sexual intercourse with mentally sub-normal persons, and marital rape</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Legislation provides for periodic review of children sentenced to life imprisonment with the possibility of release</td>
<td>• Enact legislation on child pornography and on trafficking in persons in response to the emergent issue of the sexual exploitation of children</td>
<td></td>
</tr>
</tbody>
</table>

**RECOMMENDATION 11**

<table>
<thead>
<tr>
<th>Information Systems and Data Collection</th>
<th>• Grenada does not maintain a national data system on violence against children.</th>
<th>• No published annual reports.</th>
<th>Roving Caregivers Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Administrative data is collected by multiple agencies. The annual report published by the Child Protection Authority in Grenada reflects statistics being disaggregated by specific forms of violence against children.</td>
<td>• No established research agenda to assess the impact of VAC across settings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The Registrar General’s Department in the Ministry of Health maintains a registry of births and deaths which is then shared with the Central Statistical Office (CSO) to be incorporated in the national census.</td>
<td>• No data detailing crimes committed against children. No data on children deprived of liberty, including the criminal justice system, administrative detention, and pre-trial detention. No data on children without parental care</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Monitoring Mechanisms</th>
<th>All suspected cases of abuse are to be reported to the Director of the Child Protection Authority.</th>
<th>No sexual offenders’ register</th>
<th>None identified</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In accordance with policy, employers require a Police Certificate of Character from prospective employees who work directly with children. Conviction of a criminal offence constitutes grounds for immediate dismissal at the Authority and in the Public service.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Level of Participation of Children**

Recommendation 1: The involvement or consultation of children in advocacy is virtually non-existent and NGOs (e.g. GNCRC) are responsible for encouraging much of the participation.

Recommendation 2: No evidence of the participation of children in this recommendation.

Recommendation 11: Ministry of Education Early Childhood Unit has enlisted children’s involvement in designing campaigns for the annual Child Month celebrations. The Ministry acknowledges the need for innovative strategies to enlist the participation of children by engaging them in a non-threatening/non-violent environment with the goal of exploring and asserting their cultural identity and affording the children the opportunity to express themselves freely and feel that their voice is heard and respected. Youth Council representatives have input into governmental plans and policies affecting children and youth.

Grenada has a 24 hr. hotline for children to make reports to the Child Welfare Authority.
Recommendation 1: Strengthen national and local commitment and action

- Expand the role of the Child Protection Authority to include coordinating efforts that address violence against children, covering both State-led institutions and NGOs.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all laws into compliance with the CRC and other relevant treaties.
- Work towards the abolition of corporal punishment in all settings.
- Establish with urgency a comprehensive statute on sexual offences that is gender neutral, and which would apply the expanded definition of rape.
- Enact legislation that will address the issues of child pornography and the trafficking of children.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Create an integrated national data management system on violence against children that collates data from multiple agencies and from various settings where violence occurs.
- Make provision in the system for maintaining detailed disaggregated data.
- Provide for easy access and dissemination of the information in the system.
- Create a national research agenda on violence against children and develop measures to implement the use of indicators based on internationally agreed standards on violence against children.
A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

**Recommendation 1: Strengthen national and local commitment and action**

Progress in Haiti has been slow and was further compounded by the onslaught of the 2010 earthquake that claimed more than 200,000 lives. It was reported that there was no policy framework to prevent or respond to incidents of violence against children following the earthquake and that the police and other institutions were severely affected by the catastrophe. Much of the work in Haiti since 2006 has been accredited to private-public partnerships between the government and NGOs with the support of organisations such as UNICEF. The Institute of Social Welfare and Research (IBESR) is the national child protection agency under the auspices of the Ministry of Social Affairs and Labour, having a mandate to prevent and respond to violence against children through its different services, including its call centre and information management system. Other institutions such as the Brigade of the Protection of Minors (BPM), a specialised unit of the National Police of Haiti and the Office of the Protection of the Citizen (OPC) also play a key role in preventing violence against children and ensuring accountability for crimes against children.

**Coordination Mechanisms**

At the national level, IBESR coordinates activities by child protection actors through its twice monthly working group on vulnerable children (GTEV). The working group was initiated as a mechanism to coordinate Family Tracing and Reunification activities following the earthquake and was initially co-chaired by UNICEF and Save the Children. By 2011 the working group was entirely chaired by IBESR and its mandate was expanded to include all categories of vulnerable children. The GTEV is being expanded to department level and all departments planned to be hosting monthly coordination meetings by 2013.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

Haiti has ratified four relevant international treaties since 2005: ILO Convention No 138 (1973), concerning the minimum age of admission to employment, and ILO Convention No. 182(1999), concerning the worst forms of child labour and their accompanying recommendations Nos. 146 and 190, respectively, the Convention on the Rights of Persons with Disabilities, and the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Haiti is the only CARICOM country that has ratified the IACHR Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (1999).
Internal legal framework

According to the response to the 2011 ‘Global Progress Survey’ Haiti adopted a law to prohibit and prevent violence against children and to protect them from all forms of violence in Haiti (Law of 7 May 2003). Further research has shown:

- Article 16(2) of the Constitution states that a child is a person who is 18 years old.
- The age of criminal responsibility is 13 years.\textsuperscript{126}
- The age of marital consent is 18 years. \textsuperscript{127}
- The minimum age for admission into employment for children is 15.\textsuperscript{128}
- According to the survey response, there is no specific law providing redress for child victims, but this can be obtained through civil actions.
- The Survey also confirmed that the 2003 Law protects children from trafficking and sexual exploitation.
- Although a law on inhuman and cruel treatment against children was adopted in 2003, Articles 1 and 2 of the Law do not make it sufficiently clear whether or not corporal punishment is lawful in the home, although this law prohibits corporal punishment in schools, and in penal and alternative care settings.\textsuperscript{129} The Survey notes that the penal code does not permit life imprisonment or capital punishment as a sentence for crimes committed by children of less than 18 years.
- Sexual violence against children and adolescents is covered by: Article 182(2) of the Criminal Code that prohibits incest with children; Article 182(1) of the Criminal Code prohibits indecent assault and incitement of “debauchery or corruption” in male or female youths; and Articles 279 – 283 of the Penal Code address sexual violence of a child below 15 years of age, mostly in terms of rape.
- Sections 257, 281 and 283 of the Penal Code prohibit the incitement, encouragement or facilitation of prostitution or the corruption of children by their parents, teachers or other persons in authority and trafficking is covered by Haiti’s ratification of ILO Convention 182 on the worst forms of child labour.

\textsuperscript{128} Haiti http://www.right-to-education.org/country-node/349/country-minimum; Accessed November 16, 2012
\textsuperscript{129} Refer to the Global Initiative to End Corporal Punishment (GIEPC) for all information in Table 9 www.endcorporalpunishment.org Accessed 18 August 2012.
**Recommendation 11: Develop and implement systematic national data collection and research efforts**

Efforts have been made to consolidate a national data collection system for capturing data on violence against children through the coordination of partners involved in this area. The Institute of Social Welfare and Research (IBESR) maintains a database on separated children which is currently being extended to include other forms of vulnerability and the Brigade for the Protection of Minors (BPM) has a database on all cases of crimes against children in Haiti. These two official databases include disaggregated data.\(^{130}\) Registries for births, deaths and marriages exist as do systems to capture data on children deprived of liberty, including those in the criminal justice system, administrative detention and pre-trial detention.

The Centres for Disease Control and Prevention (CDC) and the Interuniversity Institute for Research and Development (INURED), in coordination with the Institute of Social Welfare and Research (IBESR) and UNICEF, conducted a nationwide survey to determine the prevalence of violence against children in Haiti. INURED’s first national study, entitled ‘Violence Against Children in Haiti’, was launched on January 2012. This groundbreaking study is an in-depth quantitative study that provides the first population-based data for the characterisation of violence and its epidemiological distribution in Haiti. It also provides the first large-scale qualitative study of the complex social and cultural contexts and meanings of violence against children nationwide.\(^{131}\)

**B. CHALLENGES FOR FULL IMPLEMENTATION**

**Recommendation 1: Strengthen national and local commitment and action**

There are apparent challenges but very little is reported apart from financial constraints that adversely affect programme reach and scope and human resource limitations resulting from the small number of qualified psychologists and social workers.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

Haiti has not ratified the: Covenant on Economic, Social and Cultural Rights; Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol to the CRC on the involvement of children in armed conflict; the Optional Protocol on a communications procedure; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; or the Rome Statute of the International Criminal Court.

At the regional level, Haiti has not ratified the: Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador); Convention to Prevent and Punish Torture; or the Convention on Traffic of Minors.

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130 Information is disaggregated by sex, age, nature of injury or death, geographical location of incident of violence, date and time of the incident, relationship between the victim and perpetrator.

Internal legal framework

- Haiti should ratify all relevant international and regional instruments.
- Bring all legislation into conformity with the CRC.
- Create legislation to provide redress and compensation for child victims of violence.
- High rates of incest and rape demand urgent attention be given to the enactment of a Sexual Offences Act.
- Enforce ILO Convention 138 on the Minimum Age for Admission to Employment and Work, since most child labourers are below the age of 15 and are unable to attend school as their parents send them to work as domestic labourers with financially better-off families.
- Haiti has ratified ILO Convention 182 on the worst forms of child labour, but children continue to work as domestic labourers. This practice is often equated with what ILO Convention 138, Article 3(a) lists as “debt bondage and serfdom and forced or compulsory labour”.
- An anti-trafficking Bill is currently before Parliament, which will hopefully curb the large number of “illegal or undeclared children’s institutions” where children are often taken in the hope for a better life (Pan American Development Foundation, 2009). Children who are victims of domestic labour also face the risk of sexually exploitation (Singh, unpublished) in the absence of any monitoring framework for the places where they work.

Recommendation 11: Develop and implement systematic national data collection and research efforts

IBESR has a special database containing information on more than 20,000 children without parental care and a database on the residential care centre, while the BPM has a database of all reported cases of crimes against children that captures data on specific forms of violence against children. MICS indicators are included in the EMMUS 5/DHS 2012 on violence against children. No data collection and research activities have been performed relating to violence against children since 2009. No regular reports are published providing statistical information on violence against children and no national studies on the issue in general, or on violence against children in a particular setting, have taken place.

C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

A series of consultations were held with children in commemoration of the 22nd anniversary of the CRC, and the recommendations were submitted to the Government for the day of the Haitian child on 11 June 2012. Events included a simulation exercise where children ratified the Hague Convention on Inter-country adoptions before Parliament did the same.
### HAITI: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
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<th>Best Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public Policies</strong></td>
<td>Progress in Haiti has been slow but there are a few initiatives that address VAC and these include:</td>
<td>Financial constraints</td>
<td>The Call Centre (511)</td>
</tr>
<tr>
<td></td>
<td>• The work of IBESR in collaboration with NGOs and other State agencies.</td>
<td>Insufficient labour supply of qualified psychologists and social workers</td>
<td>- This is an initiative where cases of violence, abuse, exploitation, neglect or family separation are referred to respective services with the national child protection agency IBESR or any of its NGO partners working to provide adequate services in some areas.</td>
</tr>
<tr>
<td></td>
<td>• The establishment of a call centre to report cases or suspicions of child neglect, abuse and exploitation.</td>
<td>No social security system to support vulnerable families and prevent separation, neglect, abuse and exploitation.</td>
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</tr>
<tr>
<td></td>
<td>• The Brigade of the Protection of Minors (BPM), a specialised unit of the Haitian National Police addressing VAC</td>
<td></td>
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<tr>
<td><strong>Coordination Mechanisms</strong></td>
<td>GTEV</td>
<td>None Identified</td>
<td>None Identified</td>
</tr>
<tr>
<td><strong>RECOMMENDATION 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>International Treaties and Standards</strong></td>
<td>Four international treaties ratified since 2005</td>
<td>A need to ratify all relevant international and regional treaties</td>
<td></td>
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<tr>
<td><strong>Internal Legal Framework</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Legislation prohibits corporal punishment in all settings</td>
<td>• Bring all legislation into conformity with the CRC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Capital punishment and life imprisonment are prohibited as sentences for crimes committed for children under 18 years</td>
<td>• A need to closely monitor children who work as domestic labourers and all institutions where children are kept to ensure that they are not being sexually exploited or trafficked</td>
<td></td>
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<tr>
<td></td>
<td>• There is no specific legislation governing child pornography and trafficking</td>
<td>• Enact and enforce Sexual Offence legislation to address marital rape, include an expanded definition of rape and protect persons who are physically and mentally challenged</td>
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<tr>
<td></td>
<td></td>
<td>• An urgent need to apply ILO Convention 138</td>
<td></td>
</tr>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Information Systems and Data Collection</strong></td>
<td>Data are compiled in coordination with the partners involved. Information is disaggregated by sex, age, nature of injury or death, geographical location of incident of violence, date and time of the incident, relationship between the victim and perpetrator. Registries of births, deaths and marriages exist as do systems to capture data on children deprived of liberty in the criminal justice system, administrative detention and pre-trial detention. Special database on children without parental care Data on specific crimes against children maintained Indicator-based data available.</td>
<td>Lack of a comprehensive data system Lack of logistics and infrastructure Need for further data disaggregation No research agenda or studies on vulnerable children or children in specific settings</td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring Mechanisms</strong></td>
<td>None Identified</td>
<td>None Identified</td>
<td>None Identified</td>
</tr>
<tr>
<td><strong>Level of Participation of Children</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation 1, 2 and 11: A series of consultations were held in commemoration of the 22nd anniversary of the CRC, and recommendations were submitted to the Government and for the day of the Haitian child on 11 May 2012</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Recommendation 1: Strengthen national and local commitment and action

- Develop and establish an applied approach to dealing with violence against children through the following:
  - The ombudsman for children
  - The formalisation of reporting protocols/procedures in lieu of a child development policy
  - The implementation of a National Plan of Action for Children
  - Centralisation of all services and initiatives relating to children

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring laws into conformity with the CRC.
- Review the conditions in which children work as domestic labourers and enact legislation to protect them from sexual exploitation.
- Apply ILO Convention 138 and increase the minimum age for admission into employment.
- Enact and enforce Sexual Offences legislation.
- Review the situation of sexual exploitation and trafficking of children country-wide, enact, and enforce legislation to protect children.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Establish a sustainable and reliable public data system to disseminate information on violence against children.
- Develop a research agenda focused on violence against children.
JAMAICA

STATUS OF PROGRESS MADE IN IMPLEMENTATION

**Recommendation 1: Strengthen national and local commitment and action**

The Government of Jamaica, with the support of civil society organisations and International Development Partners, made significant strides forward in its efforts to protect and fulfill the rights of children over the last five years. Measures were taken to establish a policy framework, guided by the principles of the CRC and reinforced by a national commitment to MDGs, all of which are either directly or indirectly relevant to the welfare and well-being of children. This policy framework is supported locally by the Child Care and Protection Act (CCPA, 2004), which has spawned legislation in a wide range of areas, including trafficking in persons and child labour, and has led to the establishment of key agencies such as the Office of the Children’s Advocate and the Office of the Children’s Registry. The Act incorporates the principles of the CRC with the ‘best interests’ principle becoming the focal point of decision-making on issues related to children.

The National Framework of Action for Children (NFAC) is the product of collaboration across several agencies both State and non-governmental, including the private sector, under the direction of a multi-sectoral steering committee. The design of the NFAC started in 2002, when subcommittees were formed to develop the specific areas of: budget, information, education and communication, healthy life-style, providing quality education, protection against violence, combating HIV/AIDS, and the living environment. The draft document (completed in 2004) was then subject to broad consultation and, subsequently, to an intensive revision process in order to incorporate the related legislative, policy and programmatic changes made between 2004 and 2006. The NFAC combines sector plans within a single framework and builds on the CRC and a number of other conventions and guidelines. These include ILO Convention 138 which specifies the Minimum Age for Employment; ILO Convention 182, on the Elimination of the Worst Forms of Child Labour; and the Declaration of the UN General Assembly Special Session (UNGASS) on HIV/AIDS.

The NFAC has selected certain groups of children for priority action, even though it was designed in principle to serve all children in Jamaica. The National Framework of Action for Children has undergone numerous revisions but was finally submitted to the Minister of Health in mid-2011. It has since been submitted for Cabinet approval. In recognition that the NFAC framework did not address the prevention of violence and abuse and the protection and care of Jamaican children articulated by civil society groups, the Government drafted the National Plan of Action for an Integrated Response to Children and Violence (NPACV) for 2011 - 2016. The main objective of the NPACV is to reduce the impact of violence on children through an integrated approach to prevention, control, monitoring and intervention, so that children may preserve their rights and become productive citizens of Jamaica. The key government agencies are: the Ministry of National Security, the Ministry of Health, the Child Development Agency and the Jamaica Constabulary Force, which are all responsible for developing policies that address violence against children.
The Ministry of Labour and Social Security (MLSS) has also developed a National Policy for Persons with Disabilities that includes youths with disabilities affected by a variety of circumstances, including violence. The Plan is not yet finalised but represents the most recent State attempt to coordinate an inter-sector response to the urgent matter of violence against children. This five-year plan is designed to foster an environment that protects children from violence, abuse and exploitation: it promotes diversion programmes and community or family-based rehabilitation and reintegration of children in conflict with the law, and provides home or family-based care for children without familial care. The NPACV Matrix sets out the strategies and activities identifying lead and support agencies to implement the action plan. The plan is prioritised to range from immediate very high priority to medium-term high priority objectives.

Another significant related policy framework is the National Plan of Action for Child Justice (NPACJ) 2011-2014 which is a comprehensive initiative-framing, multi-agency response to child justice. The goals of the NPACJ include the development and sustaining of a child-friendly justice system, a National Child Diversion Policy (NCDP) and a programme for the expansion of the family court facilities; the implementation of measures to assist young and vulnerable witnesses in giving evidence in a court of law; the establishment of boards of visitors in children’s correctional institutions; the strengthening of the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA); and the development of programmes for conflict resolution in schools. The NPACJ was approved by the Cabinet in October 2011 and the Draft NCDP is awaiting final approval. The ‘Global Survey’ indicated that the former Prime Minister, Bruce Golding, had convened a multi-agency task force to coordinate a framework for the issue of children in institutional care and protection facilities and those who come into contact with the law. The survey report prompted internal reviews within the Ministry of National Security and an independent inspectorate will be established to provide an oversight mechanism for juvenile institutions and places of safety. Also, the government pursued a multi-sectoral approach, developed a National Plan of Action on Child Labour, and launched a campaign to tackle child labour through education in February 2009. Although child labour is not very prevalent in Jamaica, there is concern about the 2,800 children who live on the streets and who work in certain sectors such as fishing, agriculture and tourism.

Coordination mechanisms

The State faces challenges in creating synergies with civil society partners, but does enjoy good working relations with several NGOs and CBOs, including advocacy groups in the area of policy development. The Government provides funding support to several CSOs and supports their funding through international development organisations. Several NGOs, such as Sistren and Women’s Media Watch, have helped to disseminate the CCPA in an innovative and effective manner.

Coordination among and across the implementing agencies and key actors is, however, not effective. For example, the main responsibility of the Office of the Children’s Registry (OCR) is to accept reports of known and suspected cases of abuse and refer them to the Office of the Children’s Advocate (OCA - responsible for the investigation of cases of alleged abuse by the State agencies and actors) and the Child Development Agency (CDA - responsible for investigating allegations of abuse by the agencies and actors outside the State machinery). However, the OCR reports a response time lag on the part of the OCA and CDA, which ultimately compromises the ability of the OCR to monitor trends in child abuse. Scarce resources. There is also insufficient research available on the effective use of CBOs and NGOs in the policy implementation process.

\[134\] *Our Children, Show them we Care*. Downloaded from: http://www.nlj.gov.jm/labourday/children.html

Retrieved July 10, 2012
Effective coordination and collaboration among agencies, families and communities rarely exists. Broad-based consultations are often held with CBOs, but with no follow up which often results in the duplication of activities at the community level and the misuse of scarce resources. There is also insufficient research available on the effective use of CBOs and NGOs in the policy implementation process.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

Jamaica has ratified three relevant international treaties since 2005: the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography; the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities.

**Internal legal framework**


- Part I, Section 2(1) of the Child Care and Protection Act (CCPA) defines child as a person “under 18 years”.
- Part IV, Section 63 places the age of criminal responsibility at 12 years.
- Section 24 of the Marriage Act prohibits marriage between persons below the age of 16 years, even with parental consent.
- It requires persons under the age of 18 years to obtain parental consent.
- The minimum age for admission into employment for children is 15 years, and 16 for hazardous work.\footnote{UNHCR http://www.unhcr.org/refworld/country,,USDOL,,,JAM,4562d94e2,4aba3ed73c,0.html accessed 21 August 2012.}
- The response to the Survey also confirmed that legislation protects children who are neglected, abused and abandoned.\footnote{Refer to the Global Initiative to End Corporal Punishment (GIEPC) www.endcorporalpunishment.org Accessed 18 August 2012.}\footnote{Ibid}
• The Survey stated that corporal punishment is not prohibited in all settings. Corporal punishment is lawful in the home under the common law right to inflict “reasonable and moderate” punishment. Although there is no provision for corporal punishment in the Education Act (1965) or in the Education Regulations (1980), “a teacher is justified in administering ‘moderate and reasonable’ corporal punishment under common law”. In the penal system, corporal punishment is prohibited as a sentence for a crime, and it is “unlawful as a disciplinary measure in penal institutions under Article 62 of the Child Care and Protection Act. Section 78(1) of the Child Care and Protection Act prohibits the application of capital punishment as a sentence for a crime for children, but life imprisonment can be imposed as a sentence in lieu of capital punishment if the person was aged less than 18 years at the time of committing the offence.

• Research indicated that sexual violence against children and adolescents is prohibited by law: Part III, Section 7(1) prohibits a male to willingly have sexual intercourse with a female family member (including family of “half-blood”), while Section 7(2) prohibits a female to have sexual intercourse with a male family member. Part II of the Sexual Offences Act prohibits marital rape. Part II, Section 7(7)(4) criminalises grievous sexual assault against persons of less than 16 years. Part IV, Section 8 lists sexual touching or interference as an offence against children, while Part IV, Section 9 lists sexual grooming as a similar offence. It is an offence to have sexual intercourse with a person who is under 16 years (Sexual Offence Act 2009, Part IV, Section 10), however, it is a defence if the perpetrator is 23 years or under and has “reasonable cause to believe” that the other person was over 16 years of age. Part V, Section 16(1) of the Sexual Offences Act 2009, states that it is an offence to have sexual intercourse with a person suffering from disabilities or a mental disorder and that such a person is incapable of consenting according to Section 16(2) of the Act.

• It is an offence to procure a person under 18. Sections 69 and 70 of the Offences Against the Person (Amendment) Act, 1973, criminalises child stealing and kidnapping. Jamaica ratified ILO Convention 182 concerning the worst forms of child labour. Jamaica’s Child Pornography (Prevention) Act 2009 criminalises the commercial and sexual exploitation of children. Jamaica is also party to CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000), and now has legislation on human trafficking. Section 4 of the Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007, states that this offence is committed when a person recruits, transports, transfers or receives another person within Jamaica by coercion, abduction, deception, abuse of power or position, giving a benefit to get the consent of a person who controls the other person. Section 4(4) states that victim’s consent is not a defence. Jamaica also ratified the UN Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) in 2003.
Recommendation 11: Develop and implement systematic national data collection and research efforts

Jamaica has reported actions to adopt a data-driven approach to policy development. During the past five years, the Government of Jamaica has embarked upon a number of changes to its institutional and legislative framework on children’s issues, corresponding policy shifts, and the establishment of support systems that aim to embrace an integrated response to child protection. To facilitate these significant developments and provide an enabling environment, the Government began and continues to promote a culture of monitoring; most notably through the development of a reliable database of quantitative and qualitative child-related indicators known as JAMSTATS. Although there are several gaps within the system, the JAMSTATS database has information on 163 indicators including demography, economy, education, environment, gender equity, health, information and communication, and national security. The database was developed by the Planning Institute of Jamaica (one of the central planning arms of the State) and the Statistical Institute of Jamaica (which produces the country’s national data) with technical and funding support from UNICEF Jamaica. The database is an adaptation of the UNICEF DevInfo software designed specifically to track issues related to children. These systems are currently being used by a wide cross section of individuals and organisations to inform the development plan for Jamaica. Jamaica also maintains national data systems on violence that includes children. This information is collated and published annually in the Economic and Social Survey of Jamaica (ESSJ).

Disaggregated data is maintained except for data on ethnicity and on the relationship between the victim and perpetrator. Registries for births, deaths and marriages are maintained. There are systems in place to capture data on children without parental care, on children deprived of liberty in the criminal justice system, administrative detention and pre-trial detention, as well as to capture data on specific forms of violence against children.

The CDA, the OCA, the OCR and the Ministry of Health also maintain databases on violence against children. The OCR was established as a provision of the Child Care and Protection Act 2004 (CCPA) on January 1, 2007. The OCR is a statutory body under the Ministry of Youth and Culture (MYC) that serves as a central repository of statistics used to receive records, make assessments and to refer reports made by persons who know or suspect that a child is being or is at risk of abuse, neglect or is otherwise in need of care and protection. The information from these reports forms the basis of the statistics presented by the OCR. A total of 25,023 reports were made to the OCR during the 2007 to 2011 period. Statistics on the reports show children who were alleged victims of physical, sexual and emotional abuse, neglect, trafficking or child labour. They also include children who were reported to exhibit behavioural problems or who were otherwise in need of care and protection.

Jamaica has initiated data collection and research activities on violence against children. The National Victimisation survey conducted in Jamaica, provided data on the level of victimisation experienced by various groupings including children and captured the data at the community level. The survey was first conducted in 2008 and a further limited survey was completed in 2010 by the Ministry of National Security with funding from the European Union although the resulting report has not been published. Other studies have examined the broader context of child abuse in Jamaica and it was noted that the OCA has held an internal review of the organisational institutional impact on children who come into conflict with the law and on violence in institutions. Baseline surveys
were more recently completed under the Government of Jamaica/Inter American Children’s Institute Child Rights Project.

Since 2009, efforts have been made to implement the use of indicators based on internationally agreed standards on violence against children. The National Plan of Action for an Integrated Response to Children and Violence (NPACV) was developed on these criteria, however the document has not yet been approved by the Planning Institute of Jamaica. The system used prior to 2009 attempted to use indicators based on internationally agreed standards and is now housed within JAMSTATS. There are, however, deficiencies with that system and the Planning Institute of Jamaica is developing an indicator database to complement the NPACV with support from UNICEF-Jamaica.

Jamaica has also initiated attempts to develop a research agenda and national studies on violence against children, including violence against children in particular settings. The annual Caribbean Child Research Conference gives children and adult researchers the opportunity to present their findings to the region. The Office of the Children’s Advocate recent commissioned a study of the Profile of Children in Conflict with the Law in Jamaica (February 2011), amongst others.

B. CHALLENGES FOR FULL IMPLEMENTATION

The Government of Jamaica has identified several challenges that affect full implementation of the recommendations.

**Recommendation 1: Strengthen national and local commitment and action**

1. The CDA faces the greatest challenges as it continues to play the dual role of implementer and regulator within the child protection system. The primary role of the CDA is to be one of three parts of the CCPA for implementation of aspects of the legislation. Although not specified, the organisation monitors child protection in its entirety, unlike the OCR and OCA that clearly have defined roles and functionalities.

2. Human resource and financial constraints result from the wage and employment freeze implemented by the Government of Jamaica, which has impacted the implementation of the CCPA as well as other child-related programmes offered by the State. Through the Public Sector Transformation Unit, the government has recommended privatisation of the residential sector and transformation of the role of the CDA.

3. Coordination among and across implementing agencies and key actors is not effective. For example: the main responsibility of the OCR is to receive reports of known and suspected cases of abuse and refer them to the OCA (which has responsibility for the investigation of cases of alleged abuse by the State agencies and actors) and the CDA (which has responsibility for investigating allegations of abuse by agencies and actors not in the State sector). However, the OCR reports that there is a response time lag on the part of the OCA and CDA that ultimately compromises the OCR’s ability to monitor trends in child abuse.
4. Effective coordination and collaboration among agencies, families and communities rarely exists. Broad-based consultations are often held with CBOs but the lack of follow up often results in the duplication of activities at the community level and the misuse of scarce resources. There is also insufficient research available on the effective use of CBOs and NGOs in the policy implementation process.

5. There are substantial gaps in the programmatic elements of the child protection sector, for example, delivery of services at the community level to children and their families in a broad context.

6. Bureaucracy (procurement guidelines, excessive reporting) in the system also slows down implementation, prompting the Government to embark on a rigorous public sector review.

7. The reluctance to embrace new tasks and approaches forms another obstacle. Some parish councillors operating within the local governance structure do not accept that work on children’s issues should fall within their mandate, as this was not in their original mandate.

8. Territorial protectionism creates constraints as partners protect and control their programmatic focus areas in spite of the expressed and demonstrated commitment to multi-stakeholder relationships. These attitudes have created divisions among State agencies, across State and non-State agencies and among non-State agencies. Furthermore, they have resulted in a costly duplication of activities and a failure to form the type of productive associations that could result in more effective programming.

Although these challenges and obstacles persist, several recent developments are worthy of mention, including the establishment of the Office of the Children’s Registry which coordinates the receiving, validating and routing of child abuse reports within the child protection system. The Public Defender’s Office also addresses issues of reporting, and while its wider mandate covers all citizens, the office has taken a more than keen interest in child victims of maltreatment by State agencies.
**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

Jamaica has not ratified the: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; or the Rome Statute of the International Criminal Court.

At the regional level, it has not ratified the: Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador); the Convention to Prevent and Punish Torture; Convention on Traffic of Minors; or the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

**Internal legal framework**

- There is a need for legislation to be gender neutral in light of the increasing incidences of sexual abuse of boys.
- A need for the public to be further sensitised about alternative non-violent disciplinary measures for children, and to continue working towards the full abolition of corporal punishment.
- Although legislation prohibits the trafficking of persons, including children, this issue remains a challenge for the Government of Jamaica, especially since boys below 18 are not protected under this legislation.\(^{140}\) IACHR found frequent occurrences of Jamaican children being kidnapped, murdered and raped (Moncrieffe, 2012).

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

The indicators listed in the JAMSTATS for protection against abuse, exploitation and violence, are reportedly not fully comprehensive and some are vague. The dynamics and the complex nature of violence, abuse and exploitation are not captured by the existing indicators (Moncrieffe, 2010) and this absence of qualitative indicators is of great concern considering the nature of violence against children. The system needs definite strengthening to ensure better institutionalisation and utilisation. Financial and human resources required to maintain and utilise the system is also an area that needs to be addressed.

Despite several encouraging initiatives in Jamaica, full implementation of this recommendation is challenged by ineffective coordination among and across implementing agencies and key actors. For example: the Office of the Children’s Registry’s (OCR) reports a response time lag on the part of the OCA and CDA, which consequently compromises the OCR’s capacity to monitor trends in child abuse.

Ananda Alert, a hotline for missing children operated by a government agency, could provide invaluable data on the incidence, nature and trends of abuse, but it has come under serious criticisms from civil society organisations and NGOs. There is also insufficient research available on the effective use of CBOs and NGOs in the policy implementation process.

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C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

There are several programmes, organisations and interventions that actively promote the participation of children either at the design phase or during mobilisation. The list below provides examples of activities that engage the voice of the child:

- **Establishment of the Office of the Children’s Advocate**: this entity provides representation for children in court and in non-criminal proceedings, acts in the best interests of the child, solicits views from children and parents on the role of the OCA, reviews laws and practices relating to child rights, receives and investigates complaints received from children and teaches children about OCA’s roles and functions.

- **Children’s Management Day**: In an effort to build leadership skills and qualities, the management team at the Manning Boy’s Home coordinated a Children’s Day in 2008 where the children were given the opportunity to manage the facility for a day. The initiative contributed greatly to improved relationships between the staff and the children, and among the children themselves.

- **Children’s Councils**: Arrangements for the establishment of Children’s Councils are well under way in government operated residential child-care facilities. In addition, there is a Children’s Panel that acts as an advisory group to the Chief Executive Officer of the Child Development Agency.

- **The Child Development Agency’s ‘Sweet Sixteen Essay Competition’** – This competition was launched to commemorate Universal Children’s Day 2007. More than sixty entries were received and the top three winners were invited to make presentations at an awards ceremony covered by the electronic and print media. Winning entries were also posted on the Agency’s website.

- **Development of Child Friendly Materials**: The CDA, in collaboration with UNICEF, produced and distributed a child-friendly version of the CCPA targeting children in the 7-12 year and 13–17 year groups. Children from both cohorts were consulted in drafting these child-friendly booklets. In addition, more than 7,000 children were allowed to participate in a survey pre-test of their knowledge of the Act prior to distribution island-wide. A post-test survey was later conducted with the children to determine the level of improvement and increase in their knowledge of the CCPA. More than 160,000 copies of the booklets for children in the 13–17 age group have been distributed across the island.

- **Jamaica Youth Ambassadors Programme (JAYAP)**: The 2008–2010 Youth Ambassador Corps of seven young men and seven young women was appointed in May 2008. The 2011–2013 corps of 22 members was installed in February 2011. The ambassadors are selected from a broad group young people following a rigorous assessment process where they are tested for a wide variety of skills as well as their knowledge on a range of issues. The ambassadors serve in various capacities including CARICOM (2), Commonwealth (2), Diaspora (1), Disabilities (2), Disaster Management (1), Education (1), Entertainment (1), Gender (1), Healthy Lifestyle (1), Human Trafficking (1), Organisation of American States (1), Sustainable Development (1), Values and Attitudes (1), Vulnerable Youth (1), Youth and Agriculture (1), Youth and Business (1), Youth and Technology (1), United Nations General Assembly (2)
• **National Youth Month** is celebrated every November and provides young people with opportunities to participate in activities to improve their self-esteem and expose them to positive role models. Approximately 15,000 youths participated in the Youth Month activities in 2008. Major activities included the National Youth Awards for Excellence and the staging of the 6th National Youth Parliament.

• **Students for Transformation:** This is a group of young persons who presently operate out of the Office of the Prime Minister. This group was formed in 2009 to include the Head of Prefects’ Association and Representatives of Student Councils in the Corporate Area of Kingston and St. Andrew. The group’s main concern was the violence associated with the ISSA Girls’ and Boys’ Championships - a 4-day event (generally in March/April) held at the country’s National Stadium in which high and secondary schools compete in different sporting activities. The group communicated their message through a number of sensitisation sessions at different schools facilitated by school management teams during the time allotted for general assembly and Devotion, and through seminars including the Head Prefects of particular schools. The organisation has representation of 20 educational institutions and aims to extend its influence to all levels of the educational system.

• **Island-wide consultations:** The OCR is expected to commence consultations with children island-wide in 2012 to make targeted groups of children aware of the work of the OCA and how to lodge a complaint. This exercise is expected to increase the reporting of abuse incidents by children.

• **Children’s Advisory Panel:** A CDA initiative comprising 15 youths between the ages of 12 and 17 years. The panel was established to provide child-friendly guidance to the CEO, executive management team and advisory board of the CDA on a wide variety of issues including national child-centred policies; programme design and development; and new and emerging issues affecting children.\(^{141}\)

#### JAMAICA: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
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<tbody>
<tr>
<td><strong>Public Policies</strong></td>
<td>• Measures were taken to establish a policy framework The following has been developed: • The National Framework of Action for Children (NFAC) • National Plan of Action for an Integrated Response to Children and Violence (NPACV) for 2011 - 2016. • National Plan of Action for Child Justice (NPACJ) 2011-2014 • National Plan of Action on Child Labour 2009</td>
<td>• The Child Development Agency’s dual role of implementer and regulator • Human resource and financial constraints • Coordination mechanisms • Gaps in the programmatic elements of the child protection sector • Heightened bureaucracy slows implementation • Territorialism</td>
<td>The National Plan of Action for an Integrated Response to Children and Violence (NPACV) 2011 – 2016 • The main objective of the NPACV is to reduce the impact of violence on children through an integrated approach</td>
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<tr>
<td><strong>Coordination Mechanisms</strong></td>
<td>Attempts at coordination include: • Widely held consultations with CBOs • The OCR, CDA and OCA are the agencies responsible for coordination</td>
<td>The following are the reported challenges affecting coordination: • Coordination among and across government implementing agencies is not effective • Effective coordination among agencies, families and communities rarely exist</td>
<td>None identified</td>
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**RECOMMENDATION 2**

<table>
<thead>
<tr>
<th>International Treaties and Standards</th>
<th>Jamaica has ratified four relevant international treaties since 2005</th>
<th>A need to ratify all relevant international instruments</th>
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<tr>
<td><strong>Internal Legal Framework</strong></td>
<td>• Eight new pieces of relevant legislation were passed since 2005 • Legislation provides redress for child victims • The Sexual Offences Act expands the definition of rape; includes marital rape, and makes it an offence for adult females to commit incest with a young male • Corporal punishment is permitted at home and at school • Life imprisonment can be imposed on a person in lieu of capital punishment if at the time of committing the offence, the</td>
<td>• A need to bring all laws into compliance with the CRC • Sexual Offences Act needs to be gender neutral – this will be challenging in Jamaica’s cultural context • A need to abolish corporal punishment in all settings, and to further sensitise the public about alternative, non-violent disciplinary measures for children • The high incidences of rape and trafficking of children will need to be</td>
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<td>Challenges Identified in 2004</td>
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<td>person was under 18 years of age systematically addressed</td>
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**RECOMMENDATION 1**

**Information Systems and Data Collection**

- Adopting a data driven approach to develop policy
- Development of JAMSTATS database. Adaptation of UNICEF software designed specifically to track issues related to children
- These systems are being used by a wide cross section of individuals and organisations to inform the development plan for Jamaica
- Jamaica also maintains national data systems on violence that includes children. This information is collated and published annually in the Economic and Social Survey of Jamaica (ESSJ)
- Establishment of Child Protection Database that provides summary data on issues regarding the protection and well-being of Jamaica’s children
- The OCR also maintains data on reported cases of violence involving children
- Attempts towards developing a research agenda, as well as national studies on violence against children including violence against children in particular settings

- Ineffective coordination among and across implementing agencies and key actors
- Challenges related to JAMSTATS indicators, utilisation, financial and human resources in institutionalisation and absence of qualitative indicators
- Deficiencies related to internationally approved indicators. PIOJ with support from UNICEF, Jamaica are developing an indicators database which will complement the NPACV
- Insufficient research available on the effective use of community-based organisations and NGOs in the policy implementation process

**Caribbean Child Research Conference (CCRC)**

The CCRC has been held annually since 2006. Along with presentations from professional researchers, it provides opportunities for young researchers from secondary schools in Jamaica across the island to conduct research on a variety of child-related issues and present their findings at the conference.

An outstanding child researcher is selected and awarded each year. An important feature is the number of children and young persons involved in the planning and implementation of conference activities. Children are given the opportunity to chair sessions and to deliver the keynote address.

**Monitoring Mechanisms**

- None identified

- Coordination among and across implementing agencies and key actors is not effective
  The CDA faces great challenges as it continues to play the dual role of implementer and regulator within the child protection system. The CDA’s primary role is to be one of three parts of the CCPA and

- None identified
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<td>to implement aspects of legislation, and to monitor child protection in its entirety, although this role is not explicit to the organisation</td>
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**Level of Participation of Children**

Recommendation 1: There are several programmes, organisations and interventions that actively promote the participation of children either at the design phase or during mobilisation

Recommendation 2: No evidence of participation of children in this recommendation

Recommendation 11: Involvement of children in a survey for development of child friendly materials: The Child Development Agency (CDA), in collaboration with UNICEF, produced and distributed a child-friendly version of the Child Care and Protection Act

Website Development: Five children were utilised to guide the process of development of the CDA's corporate website which was launched in 2006

Student Satisfaction Survey: As part of the new school inspection model being implemented under the Education Transformation programme, students are surveyed regarding their views of their school. This information forms the basis for assessing school effectiveness
Recommendation 1: Strengthen national and local commitment and action

Most of the challenges identified in Jamaica's response for UNSVAC are linked to gaps found within the collaborative machinery of Government and NGOs in the provision of services to protect children from violence. In this regard, it is proposed that a greater partnership should be fostered between government and NGOs at the community level to ensure that reporting, as well as the reactionary mechanisms that address violence against children, are not compromised.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all legislation into compliance with the CRC.
- Enforce legislation on human trafficking and child pornography.
- Sensitise the public about alternative, non-violent disciplinary measures for children, and continue working towards the abolition of corporal punishment in all settings.
- Review on a periodic basis, cases of children who have been sentenced to life.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Improve coordination among and across implementing agencies (CDA, OCA and OCR) and key actors.
- Plan the research warranted in relation to effective involvement of CBOs and NGOs in the policy implementation process.
- Address the deficiencies related to JAMSTATS particularly focussing on developing a comprehensive list of indicators pertaining to child rights to protection. There is also a need to enhance ownership and utilisation of the database.
ST. KITTS AND NEVIS

A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

St. Kitts and Nevis reported the following as the most important developments over the past 5 years in relation to Recommendation 1:

- New legislation passed.
- The protocol drafted by the Department of Probation and Child Protection Services.
- Training and sensitisation of persons who work with juvenile offenders or persons who deal with complaints of violence against and abuse to children. Teachers working in early childhood development, guidance counsellors with the Child Development Project, personnel at the Department of Probation and Child Protection Services, have all received training.

Despite these developments, there is no written country policy with regard to violence prevention and response to this type of incident. A Reporting Protocol has been drafted and it is currently being vetted for submission to Cabinet for approval. In practice, the Department of Probation and Child Protection Services is the nucleus for dealing with reports of incidents of violence against children even though the initial complaint may be received by an individual or through personnel in another government institution.

Existing working relationships facilitate referrals on child protection issues. The Reporting Protocol is intended to ensure that all stakeholder agencies clearly understand their responsibilities as there is awareness of the potential gap in capturing cases. In past years the Department of Probation and Child Protection Services has conducted awareness programmes to sensitise the public. The first phase of an Awareness Campaign primarily focused on child abuse is currently under way to improve the efforts of the Department. This campaign will include the use of media such as radio, television and flyers to disseminate information relating to child abuse. Sensitisation workshops will also be held for children and family members, the religious community, coaches and the general public.

Coordination Mechanisms

A good working relationship exists between the government departments that receive complaints and deal with matters relating to abuse or violence against children. The private sector is aware of the role of the Department of Probation and Child Protection Services, the guidance counsellors and the police in actions to prevent and stop the sexual exploitation of children and adolescents, but there is room for improvement in the coordination of these processes.

Recommendation 2: Prohibit all violence against children

International treaties and standards

St. Kitts and Nevis has ratified one relevant international treaty since 2005: the Rome Statute of the International Criminal Court.
Internal legal framework

According to the response to the ‘Global Progress Survey’ (2011-2012), new legislation has been passed including: the Domestic Violence (Amendment) Act (2005); the Divorce Act; the Trafficking In Persons (Prevention) Act (2008); the Electronic Crimes Act (2009); and the Education Act (2005); the Education (Amendment) Act (2007); the drafting of a Protocol by the Department of Probation and Child Protection Services; and the training and sensitisation of persons who work with children in need of care and protection and who have committed offences. All of these have contributed to the prohibition and prevention of violence against children and have protected children from all forms of violence in St. Kitts and Nevis. The new Female Persons of Unsound Mind (Protection) Act 2008 also ensures protection against violence for children of this country. Further research indicated the following:

- Section 3 of the Age of Majority Act, No. 15 of 1983 defines a ‘child’ as a person who is under 18 years of age.
- The age of criminal responsibility is 8 years according to Part 1, Section 2 of the Juvenile Act Rev. 2002.
- Section 28 of the Marriage Act specifies that the minimum age for marriage is 18 years.
- The minimum age for admission into employment for children, including hazardous work for children, is 16 years.142
- According to the 2011 survey, the legislation provides for redress for child victims.
- The survey also confirmed that legislation protects neglected, abused and abandoned children.
- Corporal punishment is still lawful in all settings according to the survey response. Research indicated that it is practiced: at home - where parents have a right to inflict “reasonable chastisement” on their children under English common law; 143at school - under the Education Act (2005); in the penal system - as a sentence for crime under the Magistrate’s Code of Procedure (1961);144 and in penal institutions and in alternative care settings - as a disciplinary measure.145 Legislation prohibits the death sentence being pronounced or recorded against a person convicted of murder if the person was under the age of 18 years at the time the offence was committed, and prohibits a sentence of life imprisonment for a person under the age of 18.146
- Sexual violence is covered by the fundamental rights enshrined in the Constitution and the new legislation listed above, but adds that violence against children is further addressed in other pieces of legislation, such as but not limited to: the Juvenile Act Rev. (2002); the Probation and Child Welfare Board Act (Amendment) (1998); the Offences Against the Person Act (1998); and the Criminal Law Amendment Act Rev. (2002). Further research indicates that Section 74 of the Offences Against the Person Act as amended by the Law Reform (Miscellaneous) Provisions Act No. 7 (1990), prohibits incest with someone with whom a perpetrator shares a “blood relationship”, 147 Section 2 of the Criminal Law (Amendment) Act Rev., prohibits carnal knowledge of “any girl under the age of 14 years”,148 while Section 4 prohibits “the defilement of a girl between 14 and 16 years”.149 Girls who are mentally challenged are protected under the Female Persons of Unsound Mind (Protection) Act Rev. (2002).

143 Refer to the Global Initiative to End Corporal Punishment (GIEPC) www.endcorporalpunishment.org Accessed 18 August 2012
144 Ibid.
145 Ibid.
146 Response to the GPS (2011) for St. Kitts and Nevis.
147 If the child is under 16 years, the punishment on conviction is life imprisonment; if it is committed between two children and adolescents, the punishment is 2 years.
148 If the perpetrator is below 16 years, he can be ordered to be whipped.
149 The perpetrator (refers to a male person only) can avail himself of the defence of a “reasonable cause to believe that the girl was of or above the age of 16”.
• Section 2 of The Criminal Law (Amendment) Act Rev. prohibits procuring defilement by threats or fraud or administering drugs; Section 6 prohibits the “abduction of a girl under 16 with intent to have carnal knowledge”; and Section 9 prohibits the “unlawful detention with intent to have carnal knowledge”. Section 2(b)(a) of the Trafficking in Persons (Prevention) Act (2008) prohibits any “audio visual depiction of sexually explicit conduct involving a child”. With regard to trafficking of children, St. Kitts-Nevis ratified ILO Convention 182 on the worst forms of child labour, and now has legislation that governs human trafficking, which prohibits and prevents the sexual exploitation of children and protects them against it.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

A Reporting Protocol has been drafted and it is currently being vetted for submission and approval by the Cabinet. The Department of Probation and Child Protection Services keeps data on all types of violence against children. Although this information is not made public, members of the public may have access on request. Registries for births, deaths and marriages are maintained and systems are in place to capture data on specific forms of violence against children. The Department of Probation and Child Protection Services is currently making efforts to implement the indicators produced by UNICEF to address violence against children.

**B. CHALLENGES FOR FULL IMPLEMENTATION**

**Recommendation 1: Strengthen national and local commitment and action**

• One of the most serious gaps lies in the variations in the definition of a child in terms of age. Some pieces of legislation restrict the classification of children to persons under the age of 16 years.
• The human resources of the Department of Probation and Child Protection Services is in need of strengthening. Steps to re-organise the Department are currently being undertaken to increase its capacity to deliver a high quality of service for the protection of children.
• A major obstacle, however, is that there is no centralised registry for complaints to prevent incidents of overlap or duplication of reports.
• Lack of a national policy to promote coordinating efforts.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

St. Kitts and Nevis has not ratified the: Covenant on Civil and Political Rights; Covenant on Economic, Social and Cultural Rights; Optional Protocols to the CRC on the Rights of the Child, on the Involvement of Children in Armed Conflict, or on the Sale of Children, Child Prostitution and Child Pornography; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Rights of Persons with Disabilities; or the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.
At the regional level, it has not ratified the: American Convention on Human Rights; Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador); the Convention to Prevent and Punish Torture; Convention on the Traffic of Minors; or the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

**Internal legal framework**

- St. Kitts and Nevis should ratify all relevant international and regional instruments.
- There is a need to bring all legislation into compliance with the CRC.
- There is a need for legislation that would provide a child sensitive mechanism for compensation, recovery and reintegration for child victims of violence.
- Legislation should offer increased protection to children, especially in the area of sexual exploitation; enforcement of labour laws and of ILO Convention 138 is necessary in this regard.
- A need to sensitise the public about alternative, non-violent disciplinary measures for children, and work towards the full abolition of corporal punishment.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

There is no comprehensive national system for maintaining integrated data. Very minimal disaggregated data is maintained. No systems are in place to capture data on children without parental care and on children deprived of liberty whether in the criminal justice system, administrative detention or in pre-trial detention. No data collection and research activities have been carried out, nor are regular reports published providing statistical information on violence against children. There is no research agenda on violence against children across settings or on vulnerable children at this time. No national studies have been developed on violence against children, or on violence against children in a particular setting. One of the reported challenges is insufficient human resources to efficiently implement the recommendations.
C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

The Government of St. Kitts and Nevis actively promotes and encourages the participation of children at the local and national levels through several initiatives. The level of children's involvement is limited to specific activities and they have no participation in the fulfilment of UNSVAC Recommendations 1 and 11. Children were, however, given the opportunity to review legislation in fulfilment of Recommendation 2. Some illustrations of general youth participation include:

- The St. Kitts Nevis Youth Parliament Association is involved in the review and mock debate of legislation including legislation pertaining to children.
- Schools now have student councils that represent the student body. Project Purple also allows students to have a greater voice.
- The schools involved in the Project Purple initiative are currently involved in the development of behaviour management plans.
### ST. KITTS AND NEVIS: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECOMMENDATION 1</strong></td>
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</tbody>
</table>
| Public Policies             | There is no written country policy with regard to the prevention of and response to incidents of violence. A Reporting Protocol has been drafted and it is currently being vetted for submission to Cabinet for its approval | • Variations in the definition of a child with regard to age.  
• Weak human resource infrastructure  
• No written policy and difficulty posed by having no centralised registry for complaints | None Identified |
| Coordination Mechanisms     | There is room for improvement in coordination initiatives; however there is a good working relationship between the government departments and the private sector | None Identified | None Identified |
| **RECOMMENDATION 2**        |                                 |                                   |                |
| International Treaties and Standards | St. Kitts and Nevis has ratified one relevant international treaty since 2005 | Ratify all relevant international and regional treaties |                |
| Internal Legal Framework    | • Seven pieces of relevant legislation have been introduced since 2005  
• Legislation provides redress for child victims  
• Corporal punishment is still permitted in all settings  
• The penal code does not permit capital punishment and/or life imprisonment as a sentence for crimes committed by children under 18 years | • Bring all laws into compliance with the CRC  
• Enforcement of labour laws and ILO Conventions 138 and 182 to prevent the sexual exploitation of children  
• Sensitise the public about alternative, non-violent disciplinary measures for children |                |
| **RECOMMENDATION 11**       |                                 |                                   |                |
| Information Systems and Data Collection | • Reporting Protocol drafted, awaiting approval  
• The Department of Probation and Child Protection Services keeps data on all types of VAC  
• Public can access data on request  
• Registries for births, deaths and marriages are maintained  
• Systems to capture data on specific forms | • Limited human resources capacity to implement recommendations on child protection  
• Absence of a comprehensive national system for maintaining integrated data  
• Insufficient data gathering mechanisms including minimal disaggregated data  
• No systems to capture data on children without parental care and on children | None Identified |
| Monitoring Mechanisms       | The Department of Probation and Child Protection Services is the nucleus for dealing with reports of incidents of VAC. The initial complaint may be received by another person or personnel in another government institution | None Identified | None Identified |
| Level of Participation of Children | Recommendations 1 and 11: The level of the involvement of children is limited to specific activities and their participation in the fulfillment of the recommendations is non-existent.  
Recommendation 2: Children are able to review legislation in fulfillment of this recommendation. | | |
Recommendation 1: Strengthen national and local commitment and action

- Develop and implement a policy to address violence against children.
- Develop and institutionalise a reporting system, starting with a child-friendly hotline that gets routed directly to counsellors, the police and other agencies providing services to children.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all legislation into compliance with the CRC.
- Enforce legislation governing human trafficking and child pornography.
- Enforce labour laws and ILO Conventions 138 and 182 with regard to the sexual exploitation of children.
- Sensitise the public about alternative, non-violent disciplinary measures for children, and work towards the abolition of corporal punishment in all settings.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Establish mechanisms for a national data collection system, gathering data from multiple sources on all forms of violence against children, including vulnerable children.
- Increase human capacity through training as well as sharing skills across sectors to enhance implementation of the UNSVAC.
- Develop a research agenda to address violence against children across and within settings, including ethnic minorities.
ST. LUCIA

A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

The pace of progress in Saint Lucia relative to Recommendation 1 over the past five years has been slow. There has been a noted increase in the number of reported cases of violence against children. The increase in numbers as reported by the Division of Human Services in their ‘Report on Child Abuse in Saint Lucia 2010’ states that: “of the four types of child abuse reported to the Division of Human Services and Family Affairs, physical abuse was the most prevalent type noted with 82 reported cases for the period January to December 2010. Sexual abuse was also quite prevalent with 75 reported cases followed by neglect and verbal abuse”.

This increase sparked great concern and led to a number of initiatives to improve the status of children in the country. Several legislative measures empowered the Division of Human Services to work within the law to improve the status of children and families and protect them from violence and abuse in any form. RISE St. Lucia, an NGO operating in the country, reported that there are no existing policy frameworks, national coordinating mechanisms or cooperation between government and civil society. Initiatives targeting violence against children include activities during Child Rights’ Week and International Women’s Day, carried out respectively by the Division of Human Services and the Division of Gender Relations; the recent strengthening of Community Policing Division of Royal St. Lucia Police Force; and the development of the Vulnerable Persons Unit for handling sexual offences.

Coordination mechanism

The coordinating mechanism in St. Lucia is weak but, despite this, a number of initiatives have been undertaken by various agencies. This can be seen in the various protocols and manuals that have been developed, for example, the Royal Saint Lucia Police Force has developed a Child Protection Manual, while RISE Saint Lucia has provided a country report on Corporal Punishment. At the local level, there are informal as well as formal protocols established for the sharing of information.

Recommendation 2: Prohibit all violence against children

International treaties and standards

St. Lucia has ratified one relevant international treaty since 2005: the Rome Statute of the International Criminal Court.

156Refer to the Global Initiative to End Corporal Punishment (GIEPC) www.endcorporalpunishment.org Accessed 18 August 2012
Internal legal framework

The response to the ‘Global Progress Survey’ indicated that several laws prohibit and prevent violence against children and to protect them from it: Chapter 10.09 Children and Young Persons Act Rev. (2001) empowering the relevant authorities to work towards and support the protection of young persons under the age of 12 years; and the Saint Lucia Family Court Act Chapter 2.03 Rev. (1994) which is supported by legislation such as, the Saint Lucia Domestic Violence Act, Chapter 4:04 Rev. (2005). This latter piece of legislation defines a child as a person below the age of 18 years, and ‘domestic violence’ as “any act of violence, whether physical or verbal, perpetrated by a member of a household upon another member of the same household that causes or is likely to cause physical, mental or emotional injury or harm to the abused party or any other member of the household”. In St. Lucia, there has been an effort to provide increased protection to children through several legislative provisions such as the Adoption Act (1954), the Family Court Act Rev. (2005); Children and Young Persons Act Rev. (2005); the Attachment of Earnings Act (1996); the St. Lucia Criminal Code Rev. (2003); and the Protocol for the Management of Child Abuse and Neglect in St. Lucia. Further research indicated the following:

- A child is a person who is under 16 years of age under various pieces of legislation, but the Domestic Violence Act (1995) defines a child as anyone below 18 years.
- The age of criminal responsibility is 12 years according to Section 2 of the Children and Young Persons Act Rev. (2001).
- The Civil Code (1957) states that children above 16 years and below 18 years can be married with parental consent, while persons that have attained the age of 18, can marry independently.
- The minimum age for admission into employment for children, including hazardous work for children, is 14 years.\(^{151}\)
- According to the 2011 survey, legislation does not provide for redress for child victims.
- The response also confirmed that legislation such as the Children and Young Person Act, the Criminal Code Rev. (2004), and the Domestic Violence Act protect neglected, abused and abandoned children.
- Corporal punishment is not prohibited in any setting according to the survey. Corporal punishment is lawful in the home. Article 5 of the Children and Young Persons Act (1972) confirms “the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment”.\(^{152}\) Corporal punishment is also lawful in public and private schools under articles 50 and 51 of the Education Act (1999) and article 5 of the Children and Young Persons Act, as well as in “other institutions and forms of childcare”.\(^{153}\) It is lawful as a disciplinary measure in penal institutions under Section 13 of the Statutory Rules and Orders No.23, (1976) of the Boys Training Centre, Section 54 of the Prison Rules and Orders (1964),\(^{154}\) the Correctional Services Act (2003), and the Correctional Services Code of Conduct Regulations (2005).\(^{155}\) With regard to capital punishment and life imprisonment as sentences for crimes, a person under the age of 18 cannot be sentenced to capital punishment for the offence of murder, but they can receive a life sentence.\(^{156}\)

\(^{151}\)UNHCR http://www.unhcr.org/refworld/pdfid/4e8c398c5.pdf accessed 21 August 2012
\(^{152}\)Refer to the Global Initiative to End Corporal Punishment (GIEPC) www.endcorporalpunishment.org Accessed 18 August 2012
\(^{153}\)Ibid.
\(^{154}\)Corporal punishment was under review in April 2006.
\(^{155}\)See Supra Note 220.
\(^{156}\)States Parties Reports: St. Lucia, 2004: UN CRC/C/28/Add.23
• According to the survey, the law also protects children and adolescents from sexual violence. Research indicated the following: Section 128 of the Criminal Code Rev, makes it an offence to have sexual intercourse with an adopted child (or step-child, foster-child, ward or dependant) and Section 158 prohibits sexual intercourse or attempted sexual intercourse with someone with whom one shares a blood relationship (“half-blood”). Section 3 of the Criminal Code states that a husband is guilty of marital rape where he has sexual intercourse “without his wife’s consent, by force, fear, or the administration of a drug”. Section 130 of the Criminal Code, criminalises an act of indecent assault on a child under the age of 12 years, while Section 132(4) criminalises an act of gross indecency (an act other than sexual intercourse “whether natural or unnatural”). Section 126(1) of the Criminal Code prohibits sexual intercourse with any person below 12 years, and states that “consent is immaterial” and “honest belief is no defence” and the perpetrator in such cases is liable on conviction to imprisonment for life. Section 216 of the Criminal Code states that sexual intercourse with any person above 13 years and below 16 years is an offence liable on conviction to 15 years imprisonment. Sections 154 and 156 of the Criminal Code, respectively prohibit the defilement of a male or female suffering from a mental disorder or of an inmate in an asylum.

• Section 225(1) of the Criminal Code criminalises the procurement of any female under 18 to have “unlawful connection, either within or without” St. Lucia to become a prostitute or to “frequent a brothel”. There is no specific legislation on trafficking, but Section 18(1) of the Adoption Ordinance (1954), makes it a crime for a person to make a “payment or reward to an adopter parent or tutor” outside of St. Lucia, in an attempt to avoid trafficking children abroad. With regard to child pornography, St. Lucia ratified ILO Convention 182, and Section 84(1).The Third Schedule of the Customs Control and Management Act, prohibits the entry of all pornographic material into the country.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

The country has currently no centralised national data system. Each agency that deals with children collects and shares information when necessary. However the Royal Saint Lucia Police Force deals with all child abuse investigations across Saint Lucia. They are responsible for all child sexual exploitation and child trafficking offences and maintain data on these matters.

Disaggregated data is maintained by sex, age, nature of injury or death, cause of injury or death, geographical location of incident, context of incident, date and time of incident and relationship between the victim and perpetrator. The Governmental Division of the Registrar attached to the Ministry of Justice maintains registries for births, deaths and marriages. Systems are in place to capture data on children without parental care. The Division of Human Services is the designated Department within the Ministry of Health, but this department also has the support of the other Divisions which work in collaboration to bring information of this nature to the attention of the Human Services Division. A Memorandum of Understanding is currently developed among all major stakeholders.

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Data capture on children deprived of liberty, including in the criminal justice system, administrative detention and pre-trial detention, include the Police Department reportedly Vulnerable Persons Unit (VPU) which has reported that all infractions against children are being captured and dealt with. The Division of Human Services as well as the Police Force has created specific templates to capture data on specific forms of violence against children which are shared with the Ministry of Education. School counsellors are also used to capture such data.

Some studies have been commissioned related to violence against children. A study in 1992 by Dr Rose-Marie Belle Antoine (Law Faculty, University of the West Indies); now Commissioner of the Inter-American Commission on Human Rights, reviewed the legislation with respect to the rights of the child (Belle-Antoine, 1992). This study sought to identify gaps and deficiencies in the existing legislation and several recommendations were made. Information from the ‘RISE Report 2012, Road to Geneva child rights’ survey™ was included in the ‘2012 Global Report’. Saint Lucia also participated in the ‘Social Services Delivery in the OECS and Turks and Caicos Islands 2002’ research study which had one element of the project entitled: Family Law and Domestic Violence Legal and Judicial reform in the OECS and Turks and Caicos Island. St. Lucia participated in the ‘UNICEF Child Sexual Abuse in the Eastern Caribbean’ study.

B. CHALLENGES FOR FULL IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

Obstacles include: failure to formally adopt the proposed Child Abuse and Neglect Management Protocol; lack of an umbrella national coordinating mechanism to harness the efforts of CSOs such as CAFRA, St. Lucia Crisis Centre and RISE St. Lucia.™

Recommendation 2: Prohibit all violence against children

International treaties and standards

St. Lucia has not ratified the: Covenant on Civil and Political Rights; Covenant on Economic, Social and Cultural Rights; Optional Protocol to the CRC on the Rights of the Child on the Involvement of Children in Armed Conflict; Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Rights of Persons with Disabilities; Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Convention on the Status of Refugees; or ILO Convention No 138, concerning the minimum age for admission to employment.

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159http://www. Rise saintlucia.com
160Source: Key Informant Interview, RISE St. Lucia Inc.
At the regional level, St. Lucia has not ratified the: Inter-American Convention on Human Rights; the Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador); the Convention to Prevent and Punish Torture, Convention on Traffic of Minors; or the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

Internal legal framework

- St. Lucia should ratify all relevant international and regional instruments.
- Bring all legislation into compliance with the CRC.
- Create legislation that would provide compensation for child victims of violence.
- Address cases of sexual abuse urgently, and prevent these from happening. Hopefully the mandatory reporting procedure established by the Protocol for the Prevention, Reporting, Investigation and Management of Child Abuse and Neglect, will be utilised to report all suspected or actual cases of abuse.
- Sensitise the public about alternative, non-violent disciplinary measures for children, and encourage the Government to work towards the full abolition of corporal punishment.
- Increase the minimum age for admission into employment.
- There are no specific laws against child pornography or human trafficking except for the Customs Control and Management Act that prohibits the entry of pornographic materials, so St Lucia should ratify the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000), the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), and ILO Convention 138.

Recommendation 11: Develop and implement systematic national data collection and research efforts

The Human Services Department is the body delegated to address complaints about acts of violence against children. The protocol is for forms to be completed and sent to this department, which will then move the referral to the relevant authority. To date, parents and children who have been affected know of the procedures but it is not clear whether other members of the public and children in the system know of it, or can access any support staff. A protocol has been developed but it is not effectively employed by all those with responsibility for the protection of children from sexual exploitation. The Division of Human Services has disseminated this template to all service providers such as Counsellors and Principals of the Ministry of Education, but they are not consistently used, meaning that making data collection, follow up and monitoring are still difficult.

Data disaggregated by ethnic group is not maintained. Data on violence against children is not made public. No data collection or scientific research activities have been carried out on violence against children or brought to public attention since 2009 in the form of population surveys, qualitative studies or surveys based on interviews with parents or caregivers and children, studies or surveys to assess the impact of legal measures or any other scientific research on violence against children, including on particularly vulnerable groups.
No regular (e.g. annual) reports are published providing statistical information on violence against children. No known measures were reported to have been taken since 2009 or envisaged to implement the use of indicators based on internationally agreed standards on violence against children, or to indicate the responsible agency. Although key stakeholders share information, no formal research agenda has been stipulated. Vulnerable children are addressed through the Division of Human Services as well as the Family Court. Assistance is also provided by other key agencies providing care and protection to vulnerable children.

The reported barriers to the collection of data in St. Lucia are related to

- Poor data recording skills
- Poor attitude to knowledge sharing
- No demonstration that the value of data collection is important to future policy and that his makes a difference to the lives of clients
- Untimely response to requests for data

C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

RISE St. Lucia reported that there has been no real progress in this regard apart from initiatives implemented by civil society such as: An NGO-Youth Coalition formed in 2009 with the National Youth Council (led by: RISE St. Lucia; AIDS Action Foundation; St. Lucia Planned Parenthood Association; National Council of/for Persons with Disabilities; and the St. Lucia Blind Welfare Association together with St. Lucian youth) to address public knowledge and awareness of children’s rights and specifically the UN CRC and to publish an alternative or shadow report. In addition, a survey on youth knowledge and attitudes was completed.

It must be noted that although young people and children engage in advocacy, and that they organise and execute activities through the student councils and other service organisations, their participation is often dependent on the whims and fancies of the political directorate or policy makers. Their role is usually limited to consultation with no significant input into the development and implementation of policies and programmes at a national or regional level, except in some cases where they are members of national and regional bodies or function as representatives of the Saint National Youth Council or Ministry of Youth Development and Sports. According to the CARICOM Commission on Youth Development Report (2010), Caribbean adolescents and youth continue to be viewed only as the beneficiaries of services and products and not as strategic partners in policy development and implementation.
# ST. LUCIA: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
</tr>
</thead>
</table>
| Public Policies | No existing public policies addressing VAC | • Failure to formally adopt the proposed Child Abuse and Neglect Management Protocol  
• Lack of an umbrella national coordinating mechanism to harness the efforts of civil society organisations | None Identified |
| Coordination Mechanisms | No formalised existing coordination mechanisms.  
Several initiatives taken by various agencies to work collaboratively. | None Identified | None Identified |

## RECOMMENDATION 2

### International Treaties and Standards

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
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</tr>
</thead>
<tbody>
<tr>
<td>St. Lucia has ratified one new relevant international treaty</td>
<td>Ratify all relevant international and regional treaties</td>
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</tbody>
</table>

### Internal Legal Framework

- The Domestic Violence Act was revised in 2005  
- Corporal punishment is still used in all settings  
- The penal code permits life imprisonment for children below 18 years  
- There are no specific laws on child pornography and human trafficking

- There is age disparity in the legislation with regard to the definition of a child  
- Sensitise the public about alternative, non-violent methods of discipline for children  
- Carry out periodic reviews of children who are sentenced to life imprisonment  
- Increase the minimum age for admission into employment  
- Address the increasing incidences of child sexual abuse  
- Put in place measures to prevent the trafficking of children

### RECOMMENDATION 2

### Information Systems and Data Collection

- Royal Saint Lucia Police Force deals with all child abuse investigations  
- Disaggregated data largely maintained  
- Systems are in place to capture

- No centralised data collection system  
- Information not made public.  
- Poor data recording skills  
- Poor attitude to knowledge sharing among stakeholders  
- Value of data collection not

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<td>data on children without parental care</td>
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<td>• Systems exist to capture data on children deprived of liberty</td>
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<td>• The Division of Human Services and the Police Force has created specific templates to capture data on specific forms of violence against children which are shared with the Ministry of Education</td>
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<tr>
<td>• Some studies have been commissioned related to violence against children</td>
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<td>data emphasised.</td>
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<tr>
<td>• Poor response to request for data.</td>
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<tr>
<td>• Disaggregated data largely maintained</td>
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<tr>
<td>• Data on vulnerable children maintained to some extent</td>
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<tr>
<td>• No research agenda on VAC</td>
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<tr>
<td>• No use of internationally accepted indicators</td>
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</tbody>
</table>

| Monitoring Mechanisms | Protocol to collect data exists, but is not used consistently | Lack of coordination amongst stakeholders. | Not identified |

<table>
<thead>
<tr>
<th>Level of Participation of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation 1: Nothing evident but there are some initiatives promoted by NGOs.</td>
</tr>
<tr>
<td>Recommendation 2: No evidence of children's participation in this recommendation</td>
</tr>
<tr>
<td>Recommendation 11: Children's voices captured in the Road to Geneva Survey (RISE)</td>
</tr>
</tbody>
</table>
Recommendation 1: Strengthen national and local commitment and action

- Develop and implement a National Plan of Action for Children
- Develop and implement a national child participation policy
- Establish a coordinating steering committee and include members (stakeholders) from government, the NGO community, the private sector, and direct beneficiaries to act as an umbrella group on issues related to violence against children.

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments.
- Bring all legislation into compliance with the CRC.
- Enforce legislation on child pornography and enact legislation on human trafficking.
- Sensitise the public about alternative, non-violent disciplinary measures for children, and continue working towards the abolition of corporal punishment in all settings.
- Review on a periodic basis, cases of children who have been sentenced to life.
- Increase the minimum age for admission into employment.

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Create a central national collection data point for capturing all data on violence and abuse in all its forms against all children to make up the dearth of scientific information, data collection, and formal as well as informal reporting.
- Address inadequacies in reference templates and forms created for capturing of data, including training and follow-up for appropriate and adequate use.
- Make information dissemination and the creation of possible avenues for raising awareness in the general public against violence an on-going objective of all agencies dealing with children.
- Develop a research agenda on violence against children, including children in vulnerable situations. It is recommended that internationally acceptable indicators be employed to capture the data. Implementation of this would be possible through better coordination amongst stakeholders including policymakers, practitioners and stakeholders.
ST. VINCENT AND THE GRENADINES

A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

At present the State does not have a national policy to prevent and respond to incidents of violence against children. The planned child abuse reporting protocol and guidelines are expected to outline State policy as they include a comprehensive scheme for response to incidents of violence against children. Within the past five years, the State has established a National Committee on the Rights of the Child (NCRC). This body does not operate on the premise of any local legislative enactment and members are drawn from Government Departments and NGOs dealing with matters pertaining to children. The Committee performs a critical role in making recommendations on legislative and administrative policy and matters prior to enactment and implementation. The NCRC has received endorsement from the executive arm of Government. In addition to this, the Ministry has a number of programmes in place to sensitize the general public, parents, guardians, caregivers, stakeholder groups and organizations about incidences of child abuse. The programmes are comprehensive and are operational throughout the year. Child Month continues to be celebrated during the month of May and the Child Abuse awareness and prevention which was previously celebrated in April, is now celebrated all year round given the importance of the subject to the country. The ‘2011-2012 Global Survey’ indicated two important pieces of legislation concerning juvenile justice have yet to be passed and two new Acts, the Child Care and Adoption Act and the Status of Children Act, are now in force.

Coordination mechanism

• The Child Abuse Protocol will facilitate national level coordination on the incidence of child abuse and violence among stakeholders. At the centre of the process is a directorate. A similar approach was applied with the Child Care and Protection Act 2010, which establishing a directorate with overriding responsibility for the protection of children in the State. In both instances, the Director oversees the work of the National Committee on the Rights of the Child (NCRC) and other organisations in support of children.

• There is an established, working collaboration with national, regional and international organisations that support children.

Recommendation 2: Prohibit all violence against children

International treaties and standards


At the international level, this country has ratified all of the relevant treaties.
Internal legal framework

According to the response to the ‘Global Progress Survey’ (2011), St. Vincent passed several new Acts: the Children (Care and Adoption) Act No. 15 of 2010; the Status of Children Act No. 21 of (2011); and the Prevention of Trafficking in Persons Act No. 27 of (2011). These all help in the prohibition and prevention of violence against children and in their protection from all forms of violence in St. Vincent and the Grenadines. The following existing laws are also relevant: the Criminal Code (1990); the Age of Marriage Act (1990); the Domestic Violence Act 1995; the Family Court Act (1992); the Juveniles Act 1991; and the Law of Minors Act (1989). Further research indicated the following:

- The definition of ‘child’ varies in St. Vincent and the Grenadines. Section 2, Chapter 164 of the Age of Majority Act defines a child as a person who is 18 years old.
- The Juveniles Act Rev. (1991) places the age of criminal responsibility at 8 years.
- Section 4. Chapter. 173 of the Marriage Act specifies that the minimum age for marriage for males is 16 years, while it is 14 years for females.
- The minimum age for admission into employment for children, including hazardous work for children, is 14 years.\textsuperscript{161}
- Legislation provides for redress for child victims according to the 2011 survey.
- The survey also confirmed that legislation protects neglected, abused and abandoned children.
- Corporal punishment is allowed in all settings according to the response to the survey. Article 8 of the Juveniles Act provides for parents, teachers and other adults to administer “reasonable” punishment to a child.\textsuperscript{162} Article 53 or the Education Act (2005) also authorises corporal punishment. This punishment is lawful as a sentence for crime, as a disciplinary measure in penal institutions and in alternative care settings.\textsuperscript{163} Section 24, Chapter 124 of the Criminal code states that the sentence of death can be pronounced against a person convicted of an offence if at the time of commission, he\textsuperscript{164} was under 16 years.\textsuperscript{165} A person under the age of 18 can be sentenced to life imprisonment (Singh, unpublished).
- Sexual violence against children and adolescents, is covered by: the Incest (Punishment) Act that prohibits incest; Section 124, Chapter 124 of the Criminal Code (1990), makes it an offence to have sexual intercourse with a girl under 13 years (consent is immaterial) and Section125 of this Act states that sexual intercourse with a girl above 13 but below 15\textsuperscript{166} is also an offence, but it carries a lighter punishment. However, a male under 19 can use the defence of honest belief if at the time of the act he believed the girl to be over 15 years “and had reasonable cause” for such belief. Section 128, Chapter 124 of the Criminal Code, makes it an offence to commit an act of gross indecency with a child under the age of 14.

\textsuperscript{161}UNHCR http://www.unhcr.org/refworld/pdfid/4e8c398c12.pdf accessed 21 August 2012
\textsuperscript{162}Refer to the Global Initiative to End Corporal Punishment (GIEPC) www.endcorporalpunishment.org Accessed 18 August 2012.
\textsuperscript{163}Ibid.
\textsuperscript{164}This sentence is only pronounced against males.
\textsuperscript{165}States Parties Reports: St. Vincent & the Grenadines, 2001: UN CRC/C/28/Add.18.
\textsuperscript{166}This definition of rape excludes young male victims. Also sexual intercourse is limited to “vaginal penetration by a penis” so it fails to criminalise many other abusive sexual acts.
• Chapter 124 of the Criminal Code (1990) makes it a criminal offence for any person to cause a girl under the age of 15 to engage in acts of prostitution. Section 203 of the Criminal Code prohibits taking a girl under the age of 15 out of the possession of her parents and against the will of her parents, while Section 204 prohibits taking a child under the age of 14 out of the care and control of his or her parents, "whether by force, enticement or inducement". Chapter 163 of the Adoption Act Rev. (1990) does not make provision for payment for adoptions outside of St. Vincent in an effort to avoid trafficking of children abroad. St. Vincent ratified the ILO Convention 182 on the worst forms of child labour; the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000). St. Vincent and the Grenadines has no specific legislation on pornography.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

St. Vincent and the Grenadines has a local data system but with limited disaggregation of data. Registries for births, deaths and marriages are maintained. There is a manual system in place to capture the data on children without parental care, which requires further strengthening. The Child (Care and Adoption) Act No.15 of 2010 was passed, and the relevant regulations are being developed and appropriate systems put in place to capture data on children deprived of liberty, including in the criminal justice system, administrative detention, and pre-trial detention.

The country has completed and submitted the first draft of the second and third Periodic UN CRC State Report as well as the Child Abuse Reporting Procedures: Protocol and Guidelines.

**B. CHALLENGES FOR FULL IMPLEMENTATION**

**Recommendation 1: Strengthen national and local commitment and action**

There are a number of challenges facing the State concerning the issue of violence against children. These include but are not limited to the following:

• Proper facilities for the receipt and investigation of reports.
• Lack of coordination and understanding of roles among the different State agencies dealing with a report of child violence.
• Friction amongst agencies at times regarding the action to be taken where an incident of child violence becomes apparent.
• Lack of facilities for victim protection and rehabilitation after an incident of reported child violence.
• The slow and often tardy progress of cases in the courts relating to child violence or child abuse.
• The absence of data and coordinated record keeping processes.
- Establishment of an analysing and monitoring unit within the Ministry to manage data and monitor and evaluate programmes
- Establishment of a Unit to deal specially with children’s issues, and to collect and manage the data from all sources within the State that deal with children and matters concerning children.
- Increased focus on data collecting and record keeping in child abuse awareness and prevention programme activities.

- Absence of a Juvenile Detention Centre for the housing, training and rehabilitation of children in conflict with the law.
- Appropriate institutions to house children abandoned, neglected, at risk or otherwise in need of care and protection.

**Recommendation 2: Prohibit all violence against children**

*International treaties and standards*

At the regional level, St. Vincent and the Grenadines has not ratified the following relevant treaties: the Inter-American Convention on Human Rights; Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador); the Convention to Prevent and Punish Torture; Convention on Traffic of Minors; or the Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

*Internal legal framework*

- St. Vincent and the Grenadines should ratify all relevant international and regional instruments.
- There is a need to bring all legislation into compliance with the CRC.
- There is a need for legislation that would provide redress and compensation for child victims of violence.
- A need to sensitise the public about alternative, non-violent disciplinary measures for children, and the Government should work towards the full abolition of corporal punishment.
- There is urgent need for a single, gender-neutral comprehensive statute on sexual offences that includes an expanded definition of rape.
- There is no specific legislation to protect children with physical and mental disabilities, but St. Vincent and the Grenadines has ratified the International Convention on the Rights of Persons with Disabilities (2006).
- A need to carry out periodic reviews of children who are sentenced to life imprisonment.
- An urgent need to abolish capital punishment as a sentence for children below 18 years of age.
- A need to increase the minimum age of admission into employment.
- Although St. Vincent and the Grenadines ratified the Optional Protocol to the CRC on the sale of children, ILO Convention 182 on the worst forms of child labour and the UN Convention on human trafficking, there are no specific laws against child pornography and the trafficking of children. Meanwhile, reports by the World Bank and UNICEF indicate that children are involved in commercial sexual exploitation in an attempt to supplement family income.  

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**Recommendation 11: Develop and implement systematic national data collection and research efforts**

Although a local data system does exist, it needs strengthening and coordination to be effective. Essentially, a strong centralised agency is needed to manage data collection and collation. There are no systems in place to capture data on specific forms of violence against children. There have been no data collection efforts or research activities on violence against children since 2009, nor have any reports been published providing statistical information on violence against children. No national studies have been developed on violence against children, or on violence against children in a particular setting.

Data gathering on violence against children is hampered by a lack of proper facilities for the receipt and investigation of reports, coupled with a lack of coordination and understanding of roles relating to the different State agencies dealing with a report of child violence.

**C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

No data is available.
### ST. VINCENT AND THE GRENADINES: Mapping of Progress of Implementation

<table>
<thead>
<tr>
<th>Challenges Identified in 2004</th>
<th>Status of Implementation in 2012</th>
<th>Challenges for Full Implementation</th>
<th>Best Practices</th>
</tr>
</thead>
</table>
| Public Policies               | No existing public policies addressing VAC. | • No proper facilities for the receipt and investigation of reports  
• Lack of coordination and understanding of roles among State agencies  
• Conflict amongst agencies  
• Lack of facilities for victim protection and rehabilitation  
• Slow and often tardy progress of cases in the courts  
• Absence of data and coordinated record keeping processes. | None Identified |
| Coordination Mechanisms       | • The child abuse protocol is intended to facilitate coordination at the national level  
• There is an established, working collaboration with national, regional and international organisations | None Identified | None Identified |

#### RECOMMENDATION 2

<table>
<thead>
<tr>
<th>International Treaties and Standards</th>
<th>St. Vincent and the Grenadines has ratified five new relevant international treaties since 2005</th>
<th>Ratify all relevant international and national treaties</th>
</tr>
</thead>
</table>
| Internal Legal Framework             | • Three new pieces of legislation were enacted since 2005  
• Corporal punishment is still permitted in all settings  
• Life imprisonment is permitted as a sentence for crimes committed by persons below 16 years  
• Capital punishment is a sentence permitted for crimes committed by persons between the ages of 16 and 18 | • Bring all laws into compliance with the CRC  
• Sensitise the public about alternative, non-violent disciplinary measures for children, and work towards the abolition of corporal punishment  
• Conduct periodic reviews of children who are sentenced to life imprisonment  
• Abolish capital punishment as a sentence for children  
• Increase the minimum age of admission into employment  
• Urgent enactment and enforcement of legislation to respond to the increasing |

#### RECOMMENDATION 11

| Monitoring Mechanisms | None Identified | Lack of proper facilities for the receiving and investigation of reports, coupled with a lack of coordination and understanding of roles as they relating to the different State agencies dealing with a report of child violence | None Identified |

#### Level of Participation of Children

Recommendation 1, 2 and 11: No evidence of involvement of children in the implementation of these recommendations.
FINAL CONSIDERATIONS FOR ST. VINCENT AND THE GRENADINES

Recommendation 1: Strengthen national and local commitment and action

- Develop and establish an applied approach to dealing with violence against children through the following:
  - Implementation of a child rights authority
  - Formalisation of reporting protocols and procedures and a child development policy
  - Implementation of a National Plan of Action for Children
  - Centralisation of all services and initiatives relating to children

Recommendation 2: Prohibit all violence against children

- Ratify all relevant international and regional instruments
- Bring all legislation into compliance with the CRC
- Enact and enforce legislation on human trafficking and child pornography
- Create a single comprehensive statute on sexual offences
- Sensitise the public about alternative, non-violent disciplinary measures and continue working towards the abolition of corporal punishment in all settings
- Review on a periodic basis, cases of children who have been sentenced to life imprisonment
- Abolish capital punishment as a sentence for children below 18 years of age
- Increase the minimum age of admission into employment

Recommendation 11: Develop and implement systematic national data collection and research efforts

- Existing local data system needs strengthening and coordination to be effective. A strong centralised agency needed to manage the collection, collation and dissemination of the data.
- Upgrade to electronic data management systems. Wherever constraints exist, the manual systems should be periodically updated and monitored.
- Prioritise the development of a research agenda on violence against children in all settings.
- Identify and develop strategies to address issues of poor coordination amongst different state agencies.
- Adopt a reporting protocol to facilitate appropriate investigation and as well as an important data gathering mechanism.
A. STATUS OF PROGRESS MADE IN IMPLEMENTATION

Recommendation 1: Strengthen national and local commitment and action

Suriname reported having no comprehensive policy or sector policies to address violence against children, although the country has made significant advances in the political and institutional framework relating to violence against children, for example:

- In 2009, the Raamwet Opvang drafted a key legislative package for child care but this is not yet signed into law by parliament.
- The Ministry of Justice and Police has a Youth and Child Protection unit and a recently established Bureau for Women and Child Policy, established in 2007.
- The Ministry of Social Affairs and Housing has a Child Rights Bureau responsible for reporting to the CRC Committee.
- The Ministry of Youth and Sport was established following the parliamentary elections in 2010 and is in the process of defining its mandate at the time of writing as it may become the coordinating ministry for the fulfilment of children’s rights.
- The Government of Suriname has designed a National Action Plan for Children (2009-2013) on the basis of the recommendation made in the last report to the CRC Committee. The Action Plan outlines responsibilities for each line ministry with respect to the implementation of the CRC.
- A national youth policy has been drafted and the Ministry of Sport and Youth is working with six other key ministries to finalise this.
- UNICEF continues to cooperate with the government in providing training to officials from various ministries dealing with children and children’s rights. The Government operates a ‘123’ telephone hotline for children and provides confidential advice and aid to children in need.\textsuperscript{164}

Coordination mechanisms

No data available.

**Recommendation 2: Prohibit all violence against children**

**International treaties and standards**

Suriname has ratified four relevant international treaties since 2005: the Optional Protocol to the CRC on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; ILO Convention No. 182 concerning the worst forms of child labour and accompanying recommendations Nos. 146 and 190; the Rome Statute of the International Criminal Court; and the Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Suriname is the only CARICOM country that has ratified the IACHR Convention to Prevent and Punish Torture and the Additional Protocol to the IACHR on Economic, Social and Cultural Rights (Protocol of San Salvador).

**Internal legal framework**

The response to the 2011 ‘Global Progress Survey’ cited that the Raamwet Opvang has drafted in 2009, a key legislative package for child care, but it has not yet been passed into law. Further research indicated the following:

- Article 382 of the Civil Code defines a minor as every person who is younger than 21 years of age and who has never entered into marriage.\(^{169}\)
- Article 56, Paragraph 1 of the Code of Criminal Procedure places the age of criminal responsibility at 10 years.
- Legislation on marriage sets the age of marital consent at 15 years for girls and 17 years for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required up to the age of 21.\(^{170}\) Asian Marriage Law lowers the marriage age for children of Asian descent to 12 years for girls and 15 years for boys.\(^{171}\) The Marriage Act specifies that the minimum age for marriage is 21 years, but persons between 18 and 21 can be married with consent from a parent or a legal guardian.
- The minimum age for admission into employment for children is 14 years, and 18 for hazardous work.\(^{172}\)
- Legislation in Suriname provides for redress for child victims according to the 2011-2012 Global Progress Survey.
- The 2011 Survey also confirmed that legislation protects neglected, abused and abandoned children.
- Prohibition of corporal punishment is still to be achieved in the home, schools, penal institutions and alternative care settings.\(^{173}\) In the Universal Periodic Review of Suriname in 2011 the Government stated that there is no legislation prohibiting corporal punishment (A/HRC/18/12/Add.1, Report of the Working Group: Addendum, para. 9).\(^{174}\) Corporal punishment is unlawful as a sentence for crimes and as a disciplinary measure in penal institutions.\(^{175}\) In September 2011, the Government of Suriname indicated that it will abolish the death penalty as a sentence for any crime.\(^{176}\)

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\(^{172}\)UNHCR http://www.unhcr.org/refworld/country,,,,SUR,4562b94a2,48caa491c0.html accessed 21 August 2012


\(^{174}\)Ibid.

\(^{175}\)Ibid.

\(^{176}\)“Suriname accepts 7 recommendations calling to abolish the death penalty” http://www.upr-info.org/+/Suriname-accepts-7-recommendations+.html Accessed 21 August, 2012
information was available as to whether life imprisonment is a sentence for crimes committed by persons below 18 years of age.

- With regard to sexual violence against children and adolescents, research determined that: there is legislation on incest, rape and carnal knowledge\(^{177}\) and spousal rape is a criminal offence.\(^{178}\)

- The criminal law penalises child prostitution. Title XIV under the heading “Offences against Morality”, and Title XVIII under the heading “Offences against Personal Freedom” in the Criminal Law Code include provisions which aim to provide protection to children against all forms of sexual exploitation and sexual abuse. Title XVIII of the Criminal Law Code (Articles 338, 340, 341, 342 and 343) includes provisions on kidnapping, the removal of children and adolescents from persons exercising parental rights, the hiding of person under 18 years old and abduction.\(^{179}\) Suriname ratified ILO Convention 182 and the UN Convention on Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

No national database maintaining data on violence against children currently exists in Suriname. The Institute for Graduate Studies and Research from the Anton de Kom University of Suriname is in the process of developing a database on violence against children and other databases exist at the Opa Doelle, Judicial Child Protection Centre and in Nickerie, although these require updating and management. The available data is disaggregated. Records of births, deaths and marriages are maintained by the Central Bureau of Registry. Systems to capture data on children deprived of liberty, including in the criminal justice system, administrative detention, and pre-trial detention are currently in place.

There have been some attempts at data gathering and research. Suriname has carried out a MICS since 2009. A situation analysis and research conducted by Tobi Graafsma focuses on the gender dimension of violence against children.

**CHALLENGES FOR FULL IMPLEMENTATION**

**Recommendation 1: Strengthen national and local commitment and action**

The key hindrance to full implementation of Recommendation 1 is the shortage of reliable data on child abuse and sexual violence against children, although recent data from the Ministry of Justice and Police indicates alarming numbers of person under 18 years old as both the victims and perpetrators of sexual violence.\(^{180}\)

**Recommendation 2: Prohibit all violence against children**

\(^{177}\)GPS (2005-06), Suriname.


\(^{180}\)http://www.crin.org/violence/search/closeup.asp?infoID=26218
International treaties and standards

Suriname has not ratified: ILO Convention 138; the Convention on the Consent of Marriage; the Optional Protocol to the CRC on the Rights of the Child on the Involvement of Children in Armed Conflict; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; or the Convention on the Rights of Persons with Disabilities.

At the regional level, it has not ratified: the Convention on Traffic of Minors or the IACHR on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

Internal legal framework

• Suriname should ratify all relevant international and regional instruments.
• There is a need to bring all legislation into compliance with the CRC.
• The public should be sensitised on alternative, non-violent disciplinary measures for children, and there is a need to work towards the full abolition of corporal punishment.
• Increase the minimum age for admission into employment
• There is an urgent need for the enactment and enforcement of legislation to address the increasing incidences of commercial exploitation\(^\text{181}\) of children who work in the mining towns.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

No systems to capture data on children without parental care or data on specific forms of violence against children.

**C. THE PARTICIPATION OF CHILDREN IN THE IMPLEMENTATION OF THE RECOMMENDATIONS**

No data available.

## RECOMMENDATION 1

### Public Policies
- No comprehensive or sector policies addressing VAC

### Coordination Mechanisms
- None Identified

### Challenges for Full Implementation
- Reliable data on child abuse and sexual violence against children

### Best Practices
- None Identified

## RECOMMENDATION 2

### International Treaties and Standards
- Suriname has ratified five relevant international treaties since 2005

### Internal Legal Framework
- Drafted new legislation on child care, but it has not yet been promulgated
- Legislation provides redress for child victims
- Corporal punishment is still permitted in all settings
- The Government announced plans to abolish the death penalty as a sentence for crimes

### Challenges for Full Implementation
- Bring all laws into compliance with the CRC
- Work towards abolishing the low minimum age of marriage, and replace it with at least 16 years
- Increase the minimum age for admission into employment
- Enact and enforce legislation to protect children from sexual exploitation

### Best Practices
- None Identified

## RECOMMENDATION 11

### Information Systems and Data Collection
- Database exists at Opa Doelle, Judicial Child Protection Centre
- Disaggregated data on Birth, Marriage and Death registries maintained
- Systems exist to capture data on children deprived of liberty
- Suriname has carried out a MICS since 2009.

### Challenges for Full Implementation
- No national data system exists
- No systems to capture data on children without parental care or data on specific forms of violence against children
- No research agenda or studies on VAC
- No information on the use of internationally suggested indicators

### Best Practices
- None identified

## Monitoring Mechanisms
- None identified

## Level of Participation of Children
Recommendation 1, 2 and 11: No evidence of the involvement of children in the implementation of these recommendations.

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### Recommendation 1: Strengthen national and local commitment and action

In light of the progress made thus far, Suriname is on its way to making some key advances with regard to preventing violence against children, but the Government of Suriname now needs to embark on developing a comprehensive policy document and to hold the main actors (including ministries and agencies) accountable for the successful implementation of key initiatives.

Establish a data management system to capture information on all activities, programmes and initiatives involving children across the country.
**Recommendation 2: Prohibit all violence against children**

- Ratify all relevant international and regional instruments.
- Bring all legislation into conformity with the CRC.
- Work towards abolishing the low minimum age for marriage and replace it with at least 16 years.
- Continue working towards the abolition of corporal punishment in all settings.
- Increase the minimum age for admission into employment.
- Enact and enforce legislation on human trafficking and child pornography.
- Abolish the capital punishment for persons under 18 years old.

**Recommendation 11: Develop and implement systematic national data collection and research efforts**

- Create an integrated national data system
- Develop a research agenda on violence against children within and across settings
CHAPTER VII. RECOMMENDATIONS TO PROGRESS ON THE IMPLEMENTATION OF THE UNSVAC IN THE CARIBBEAN
RECOMMENDATIONS TO ADDRESS CHALLENGES PERTAINING TO RECOMMENDATION 1

Strengthen national and local commitment and action

The region has come a long way in implementing programmes and policies to address the UNSVAC recommendations. However, despite the successes, there are significant gaps that must be closed in order to promote a greater degree of equity and, by extension, further the best interests of the child. The gaps highlighted in the literature are:

1. Data on Participation – Limited data is provided on social expenditure relative to investment in children especially in terms of initiatives promoting child participation in Recommendation 1. For the most part, the information presented indicates that serious challenges remain in actively promoting the voice of the child.

2. Coordination Efforts and Mechanisms – While coordination mechanisms in some States are robust, others experience serious challenges in coordination at inter-governmental levels, between the various State agencies and departments and between State agencies and NGOs.

3. Government input on participation – Some governments are reluctant to expend time and resources on an agenda targeted at the best interests of the child in terms of increased participation. This is reflected in the fact that many of the programmes supporting child participation are funded by international development partners.

4. Monitoring of NGOs mandated to respond to UN Recommendation 1 – At the moment, monitoring is inadequate and better monitoring would go a long way toward preventing the duplication of programmes.

The recommendations presented aim to address the participation gap by elucidating the issues.
Policy Recommendation 1 – Establish a National Child Participation Forum

Establish a National Child Participation Forum (NCPF) governed by a technical steering committee comprising the following stakeholders: NGOs involved in promoting the active voice of the child, key government agencies with responsibilities for children, representatives of the international donors community, representatives from the national student council, representatives from early childhood services and representatives from private sector organisations with a Corporate Social Responsibility outreach arm. The NCPF will be charged with the mandate to: monitor government expenditure as relating to children; design programmes that promote the involvement of children around issues dealing with violence against children and propose these to the State for implementation; set up parish offices in collaboration with States at various tax collectorate offices throughout the relevant countries; and coordinate all activities regarding the right of the child to access information and freely express him or herself.

Policy Recommendation 2 – Establish of an umbrella Authority for Children with a Child Participation Department

Establish an umbrella organisation such as the CDA in Jamaica, to act as a Child Authority in each country. Within this Child Authority, there should be a department specifically mandated to promote child participation rights, specifically as related to freedom of expression. This department will be charged with the following: regional monitoring of the national student council associations; the design and institution of international best practices as related to the child’s right to freedom of expression about violence against children in early childhood institutions (in line with the view that the concept of ‘self’ is shaped during the formative years); monitoring of all national policies and legislation that impact violence against children; collaboration with coordinators of the Caribbean Child Research Conference182 to gain knowledge transfer in order to actively promote the voices of children especially at the primary school level; and conducting an annual national survey to track the views of children on violence against children in the home and in institutions where children are wards of the State. This survey will inform sensitisation campaigns among other interventions targeting the perceptions of child inclusion among parents and care-givers.

Policy Recommendation 3 – Develop and implement a National Child Participation Policy

The State should write and implement a child participation policy in collaboration with early childhood practitioners, private sector organisations and children. The goals of this policy should be focused on: freedom of expression in schools and in the home; child participation in enterprise regarding work experience and summer jobs for high school children; participation in legal proceedings; participation in the government’s budgeting process; and participation in social programmes. Having set these goals, the policy should also include specialised action plans providing details on activities that can be used to achieve these goals over time. This policy should ideally be mobilised by the new National Child Participation Forum in collaboration with the Authority on Children responsible for child participation rights in order to prevent the policy from being ‘paper-bound’, theoretical and static. This policy should be written within a 6-month period and duly informed by adequate, on-the-ground research and stakeholder consultations.

182An annual regional conference hosted by The University of the West Indies since 2006 that disseminates child rights related research conducted by adults and children.
RECOMMENDATIONS TO ADDRESS CHALLENGES PERTAINING TO RECOMMENDATION 2:

Prohibit explicitly all violence against children in all settings

Countries in the region have increased the pace of ratification of international treaties relating to children, but some countries still need to ratify core international treaties and their regional equivalents. There is also a need for all national legislation to be brought into compliance with the CRC and other relevant core treaties. Since laws are often disparate and archaic in countries with no comprehensive Children’s Act, it is imperative that every country make it a priority to enact a single, comprehensive Statute covering: the provision of care; the prohibition and prevention of violence; and the protection of children from neglect and violence.

In accordance with the findings of the UN Study, the recommendations below seek to address those areas where violence against children is most common.

Violence at home

Legally prohibit corporal punishment

Sensitise all parents and guardians on non-violent, alternative disciplinary measures.

Implement mandatory reporting procedures. High rates of incest in the region demand the effective enforcement of legislation. Long delays too often result in bribery and subsequent closure of cases of sexual abuse. The statute of limitations on cases of “unlawful carnal knowledge” of girls aged between 14 and 16 years should be removed wherever it exists.

The Domestic Violence Act, which allows for a child victim of violence to remain in the home and for the perpetrator to be removed, should be fully utilised by Magistrates.

Violence at school

Education Acts should require schools to implement programmes that will lower the incidence of violence in among students and governments should employ trained counsellors to carry out anger management and conflict resolution programmes.

Abolish corporal punishment at all schools, and sensitise teachers about non-violent, alternative disciplinary measures.

Violence in the care and justice system

Abolish all status offences as recommended in the OECS Child Justice Bill.

Divert children from court proceedings as recommended in the OECS Child Justice Bill and, as far as possible, use pre-trial options such as mediation and dispute resolution for children who have committed offences.
Change the definition of ‘child’ under the child justice system and bring legislation into compliance with Article 1 of the CRC, which states that a child is “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”.

Increase and standardise the age of criminal responsibility to at least 12 years. The current variation in this age throughout the region results in some children being criminalised at an earlier stage of their lives than others.

Raise the upper age limit for protection under the child justice system to 18 years. Several countries face a dilemma in sentencing children who have just turned 16 and those just under 18 years of age. Members of this age group are classed as ‘young offenders’ and are liable to face imprisonment when they come into conflict with the law.

Court proceedings in Juvenile or Family Courts should be conducive to the best interests of the child in accordance with Rule 14(2) of the Beijing Rules. They should be: ‘child friendly’ to avoid intimidation and traumatisation when giving evidence; proceedings should be held ‘in-camera’ and closed-circuit television and video technology should be used (especially for children who are sexually abused); children under 14 years should be allowed to give unsworn evidence if a judge determines that the child is competent to take the oath; and Preliminary Inquiries should be abolished since this system requires complainants to give their evidence twice.

Abolish corporal punishment as a disciplinary measure, and replace it with alternative non-violent measures.

Abolish capital punishment and life imprisonment as sentences for crimes in children of less than 18 years of age.

Rehabilitative and social re-integrative programmes should be mandatory for institutionalised children as these would equip them better for employment and to cope with conflict when released.

Institutionalise child-rights training for care providers to equip them with the relevant knowledge, tools and techniques to uphold the rights of children in care and those in conflict with the law.

**Violence at work**

St. Lucia and Suriname should ratify and enforce ILO Convention 138 on the minimum age for admission into employment. All the other Caribbean countries that have ratified this Convention should enforce it.

Countries should increase the minimum age for admission into employment to 16 years.

Children should not be allowed to work in hazardous conditions. Domestic labour is often unregulated and provides opportunities for physical, sexual and emotional abuse. Domestic servitude was identified as one the most common manifestations of trafficking of persons in the Caribbean (UNDP, 2012). Regulations should be put in place to ensure systematic monitoring.
Violence in communities

The minimum age of marriage is too low in some countries. The varying ages throughout the region should be replaced with a single minimum age of at least 18 years, which is currently used by seven CARICOM countries.

Establish an age for consent to sexual activity that reflects the principles of the Convention on the Right of the Child and other international human rights instruments.

There should be no disparity in sentencing for sexual offences; for instance, perpetrators of rape of a child aged 12 to 14 years should not receive a lighter sentence than a perpetrator of rape of a person older than 14 years. In addition the “honest belief” or “reasonable belief” or “young person’s” defence that the victim was 16 years of age, should be immediately repealed.

All sexual acts perpetrated against children should be treated as separate offences with corresponding penalties, and the requirement for ‘sexual intercourse’ to occur before a crime can be classed as a sexual offence, should be repealed.

Legislation should ensure the protection of children with mental and physical disabilities from all forms of abuse.

Expand the definition of ‘incest’ to include sexual offences against adopted children, step and foster children, half-blood relations, a ward or a dependant, in those countries of the region that have not already done so.

List marital rape as an offence in all of the Sexual Offences Acts of the region.

Adopt legislation on mandatory testing, which would allow court personnel to advise the complainant if the perpetrator has a communicable disease and to grant compensation if the complainant makes an application for the same.

Abolish the rule that requires independent corroboration of evidence given by survivors of child sexual abuse allowing the question of the weighting attached to such testimony to be determined by the jury.

Make legislation gender-neutral as the current legislation in many countries is effectively denying boys who are sexually abused the same level of protection that is offered to girls, even though there is an increase in the number of cases of sexual violence against boys.

Capture legislation for the protection of children from sexual abuse in the various National Disaster Preparedness and Response Plans to help deter violence against children, especially sexual abuse, during natural disasters.

Enforce legislation to respond to the emergent trends of sexual exploitation such as the soliciting of a child for prostitution, the use of children in pornography, and the increasing abuse of infants.
Adopt legislation on human trafficking urgently, so that a uniform and collaborative approach could be applied to curb this problem. Legislation should allow for the prosecution of those responsible including individuals, corporations and institutions that facilitate such trafficking, and special punitive measures should be created for perpetrators and facilitators who hold public office.

Introduce child abuse and sex offenders’ registers and establish related digital and electronic monitoring systems.

**RECOMMENDATIONS TO ADDRESS CHALLENGES PERTAINING TO RECOMMENDATION 11**

**Strengthen National data collection systems:**

Acknowledgement is required that research and comprehensive data are solid tools to initiate action at the policy level and to urge the passage of legislation. A greater will must be exercised amongst stakeholders to focus on creating holistic, coordinated and consolidated data collection and monitoring systems at the national level across settings. Integration and standardisation of information is essential across databases from varied sectors including health, education and justice. Several countries have acknowledged this need, but it remains to be seen how well this will be implemented. For instance, a Strategic note for Guyana, Suriname and Trinidad and Tobago commissioned by UNICEF-Guyana in 2007 proposed the targeting of specific data collection and research efforts to address issues of violence across systems.\(^{183}\) The National Plan of Action for Trinidad and Tobago emphasises the need for a comprehensive data collection system and increased research in all areas related to child abuse. St. Vincent and the Grenadines proposes the establishment of a unit to deal specifically with children’s issues and to manage an integrated database. This will allow for progress to be tracked and will provide comparisons with data from multiple sources.

An important component in strengthening data collection systems and monitoring lies in establishing effective national systems for report and follow-up on cases of child violence. For instance, one of the three time-bound goals adopted in the Rio De Janeiro Declaration and the Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents 2008 calls for the establishment of “an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation by 2013”. Meeting this goal is crucial in aiding systematic data collection, follow up and monitoring efforts in protecting children from violence.

\(^{183}\text{In Belize, Grenada, Jamaica, St. Kitts-Nevis, St. Vincent and the Grenadines.}\)
Collaboration and synergies for consolidated data:

Collaboration and synergies among concerned stakeholders are imperative within countries and regionally in addressing two of the biggest challenges. The first of these is the lack of funding and human resources and the second concerns inconsistencies in the data available from multiple sources within the country. Those stakeholders that prioritise violence against children on their agenda must form partnerships to use their synergies in coordinated and integrated efforts to enhance data collection and maintenance systems. There is a need for better Information Management Systems that will allow for the sharing of both qualitative and quantitative data. This collaboration between national statistics centres, NGOs, research and academic institutions will enhance reflections of consistent data and will increase the chances of recruiting a number of well-trained personnel to research and document this sensitive area.

Child Protection Monitoring and Evaluation Reference Group:

Given the overall lack of data and monitoring systems relating to violence against children in the Caribbean, there is need for initiatives such as the Child Protection Monitoring and Evaluation Reference Group to enhance evidence-based research in child protection and to facilitate coordination and monitoring among child protection partners. The reference group would essentially focus on assessing progress on the consolidation of data systems and research on violence against children, while considering ways of promoting the use of knowledge and research in policy and action to protect children from violence. Such a group could also focus on developing indicators on violence against children and integrating them into the MICS or DHS.

Studies that explore and address how violence against children in its various forms and settings is a major obstacle to the achievement of larger goals, including the rights of children and the MDGs. For instance, indicators used to measure progress of UN initiatives (MDG 2-Achieve Universal Education) and Education for All (UNESCO) do not include the elimination of school violence. Studies such as the Plan Learn without Fear Campaign show how addressing this issue directly contributes to, and is fundamental to, the success of these initiatives while also keeping children in school. Furthermore, the importance of including qualitative indicators cannot be underestimated.

Breaking the culture of silence: Listening to children’s voices

Children’s voices need to be listened to (not just heard) and they require a response. There is a dearth of children’s voices in sharing their stories and it is important that stakeholders develop comprehensive indicators to assess the extent of the exclusion of children or their involvement in voicing their rights. It is also critical that these be implemented in the varied settings where violence occurs, with particular attention given in settings that restrict these rights, such as State care. Creating, implementing and monitoring systems that encourage children to be heard is vital. A child’s voice is their only chance to give a face to the abuse that occurs behind closed doors. Concurrently, the ethical concerns associated with children’s involvement in research must be addressed with the development of information systems and the promotion of research. It is vital that child rights are upheld and that the research process protects the best interests of the child at all times. The involvement of children through participation in national household surveys should be encouraged. Child Helplines are also excellent tools for obtaining data from children themselves although the information generated needs to be compiled, and monitoring mechanisms provided for each individual case.
It is also important that vulnerable children on the fringes of society, including indigenous children; physically, socially, emotionally and financially challenged children; and those from ethnic and religious minorities, be provided with opportunities to express themselves and to be listened to. One particular category of children that often remains invisible is that of children from the higher social and economic strata, even though violence against children is known to be universal and children in these strata are not unaffected by it. However, in a scenario of crunched resources and preconceived biases on social stratification, these children are prone to complete invisibility. The face of violence is veiled by complete silence higher up the social and economic ladder.

Regional commitments to enrich data management:

Attempts must be made in the region to establish a data management system such as a children’s observatory capable of linking national systems. Such an approach demands a CARICOM-wide database reflecting best practices and lessons learned in the region while maintaining data on violence against children based on internationally identified indicators for the region. A CARICOM monitoring mechanism to track progress made by States on the UN recommendations is also warranted. A regional register of sexual offenders must be maintained, especially in view of the relatively easy movement of offenders between nations in the region, and extra-territorial cooperation must be extended to end impunity on sexual offenses.
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Marriage –see “Civil Code” (Cap. 242) (Part 1 Book 5) and (Part 3 Book f) Ref. 4/241

**St. Vincent and the Grenadines**
Adoption of Children Act (Cap.163) Ref. 1990 Rev. Amendment 1992
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Age of Marriage Act 1966 (O) Rev. 1990
CHILD:  
In accordance with Article 1 of the CRC, the term ‘child’ refers to “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.

CHILD PROTECTION  
Child protection refers to the protection of children from violence, abuse and exploitation. However, the term is also used to describe policies, standards, guidelines and procedures to protect children from all forms of violence. In the current context, it applies particularly to the duty of organisations and individuals associated with those organisations towards children in their care.

CHILD ABUSE:  
The general definition of child abuse agreed by the experts participating in the World Health Organisation Consultation on Child Abuse Prevention in 1999 is applied: “child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power”.

CHILD SEXUAL ABUSE:  
Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.
CORPORAL PUNISHMENT:
The Committee on the Rights of the Child, General Comment no.8, Para 11:
“The Committee defines ‘corporal’ or ‘physical’ punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (‘smacking’, ‘slapping’, ‘spanking’) children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment which are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”

VIOLENCE
The definition adopted by the UNSVAC was informed by the concept of violence reflected in the Convention on the Rights of the Child, especially in articles 19, 34 and 37, other human rights treaties and human rights instruments, and Declarations such as the 1993 Declaration on the Elimination of Violence against Women. This concept has been retained for the purpose of this study. In accordance with article 19 of the Convention and the work of the Committee on the Rights of the Child, in particular General Comments 8 and 13, Violence includes “all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”.

Caribbean Consultation on the Follow-up to the Recommendations of the UN Study on Violence against Children in Jamaica, 2012
## ANNEXES

### ANNEX 1

**Child protection statistics adapted from the state of the World’s Children, UNICEF (2012)**

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Source: State of the World’s Children

### DEFINITIONS OF THE INDICATORS

**Child labour** – Percentage of children 5–14 years old involved in child labour at the time of the survey. A Child is considered to be involved in child labour under the following conditions: children 5–11 years old who, during the reference week, did at least one hour of economic activity or at least 28 hours of household chores, or children 12–14 years old who, during the reference week, did at least 14 hours of economic activity or at least 28 hours of household chores.

**Child marriage** – Percentage of women 20–24 years old who were first married or in union before they were 15 years old and percentage of women 20–24 years old who were first married or in union before they were 18 years old.

**Birth registration** – Percentage of children less than 5 years old who were registered at the time of the survey. The numerator of this indicator includes children whose birth certificate was seen by the interviewer or whose mother or caretaker says the birth has been registered.
Justification of wife beating – Percentage of women and men 15–49 years old who consider a husband to be justified in hitting or beating his wife for at least one of the specified reasons, i.e., if his wife burns the food, argues with him, goes out without telling him, neglects the children or refuses sexual relations.

Violent discipline – Percentage of children 2–14 years old who experience any violent discipline (psychological aggression and/or physical punishment).

MAIN DATA SOURCES
Child labour – Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys.
Child marriage – MICS, DHS and other national surveys.
Birth registration – MICS, DHS, other national surveys and vital registration systems.
Female genital mutilation/cutting – MICS, DHS and other national surveys.
Justification of wife beating – MICS, DHS and other national surveys.
Violent discipline – MICS, DHS and other national surveys.

NOTES
– Data not available.

* Data refer to the most recent year available during the period specified in the column heading.
British Virgin Islands, Montserrat and Turks and Caicos Islands not included in the original UNICEF document.
ANNEX 2

Children’s Declaration presented at the Sub-Regional Meeting on Follow-up to the UN Study on Violence against Children on May 15, 2012, Kingston, Jamaica.

Our Process

Today, we the delegates present to you our declaration first because we would like to think of it as strategy to get you to listen to what we have to say before you formulate the plans you have for us. This would further concrete the reason as to why you are here to first ask us what we think as opposed to you planning and deciding and then asking. Therefore we would like to present our points and hope that our voices won’t be left in this conference room.

The Caribbean community, uniting to hear our voice and our views on the issues that are affecting us, is deemed a remarkable effort in bringing forth greatness to the region. However, hearing the voice of all children who are severely affected through the cruel acts of abuse is being hindered. We are here today, as a united force that stands up for ourselves and other children who are being neglected and exploited and mistreated through unjustifiable reasons. The children that have become an outcast within our society are robbed of their true self-worth, dignity and pride. They need to be guided on a path that is healthy and nurturing, therefore empowering them and ensuring they have a sense of well-being. We need to ensure children are fully equipped, will all the resources they need so they do not stray to find those resources.

We want to share with you a little about our process and how we have been working for the past few days.

Through the process of socializing and exploring different subjects and themes, we have basically each selected the particular area or ‘opportunity’ that we are most comfortable with. We actually formulated our own rules and guidelines that have been followed since the first day, right up to the end of the delegate’s advocacy and meetings.

We have discussed matters and situations that have been experienced by both adults and children in terms of violence and abuse. In fact, much emphasis was placed on the issues children faced in their lives each day and makes us – the youth – realize that we should implore all of you here today, to act in a concentrated effort and with determinations to quell issues that are hindering the true potential of children.

While we were at the Wyndham Hotel on Sunday, we actually had the chance to use fun and games to explore the serious situations that impact children’s lives and to explore the possible solutions needed to end violence. We have also discussed the different forms of punishments that could be administered to person’s who seek to destroy children’s lives.

I want for everyone who is here today to look deeply into these words that I and my fellow delegates are sharing with you, and begin the drive to reach the destination for the greatness of our children and youth.
DECLARATION OF THE YOUNG PERSONS OF THE CARIBBEAN

Kingston, Jamaica, 15 May 2012

We, child and youth representatives from the Caribbean have gathered in Jamaica for the Violence against Children Sub-Regional Conference to proclaim the present Declaration:

Violence can be described as using your position of power or strength to inflict intentional damage to someone. This may include emotional or mental damage and not merely the physical.

Violence or any violent environment is not fit for a child. Children are more sensitive than adults realize. Things mean much more to a child than what an adult can see.

Violent acts against children affect them as it changes their lives forever. A child will never remain the same after. A damaged childhood leads to a damaged personality, development of trust issues, attachments issues and such. And this would lead to a damaged society where other children will grow up continuing the cycle and showing no improvement.

Violence happens in the family and home. Children are physically, emotionally, psychologically and verbally abused. Children are also being neglected by parents in the home. There are also incidents in the family homes where children are being sold into prostitution and other situations of trafficking. Violence happens in the school environment, including verbal and physical abuse and sexual abuse by teachers. Where student or children's councils exist, the children are sometimes not respected or listened to and adults/principals still have the last word.

In the community is where much of the violence against children happens. All forms of abuse are inflicted upon children in the community – physically, emotionally, psychologically and sexually. Churches in the communities also promote corporal punishment and they believe ‘spare the rod, spoil the child’.

Violence happens in the workplace. Child labour is present and the business owners abuse children in order to gain an edge over their competition. So now, it can be said, that violence occurs everywhere in society.

Violence against children in the Caribbean continues to be the norm or tradition in the region and is being passed on to our generations. This makes violence against children harder to eradicate. Therefore drastic actions need to be taken now.

We, the child and youth delegates from the Caribbean, call on the governments of the region, those with the power and authority, to pay a listening ear to our views and solutions. The Study is about violence against children in the Caribbean, so we are the victims and believe that we know solutions to the problem.

We the children and youth also have a responsibility as there are incidents of violence against children by other children. Therefore we should wise up and cooperate with the move against violence.
Adults who work with children daily are also responsible for solving the problem. People such as teachers, parents, the police and more should work and cooperate with the solutions established by the government.

We recommend that:

- Children need to be aware of their rights.
- Knowledge of children’s rights and responsibilities should be integrated into the school curriculum to ensure that the effect is wide-reaching.
- Stakeholders in children’s development, that is, teachers, parents and other caregivers should be knowledgeable of the rights of children.
- These stakeholders need to be educated on such matters in order that they can be better held accountable for the infringements of these rights. Increased public awareness would enable the penalties for such infringements to be stricter.
- Prevention orientated programs need to be established.
- Stakeholders in child development need to be made aware of the negative physical and psychological effects of violence on children and should be made aware of other alternatives to discipline. Specific attention needs to be placed on the approach which is taken to inform stakeholders. The approach should be far-reaching, suited and applicable to the audience which it is targeting. It is hoped that educating the masses on the effects and alternatives to Child Violence would allow for such acts to be prevented.
- Enforce our solutions and rights into laws and create effective support systems to promote the advancements of rights.
- We are knowledgeable of the fact that support systems exist for the advancement of Children’s rights especially as it relates to abuse against children. However the systems tend to be excessively bureaucratic which affects the efficiency of the organisation. The de-layering and retraining of staff in these arrangements need to be considered as well as resourced.
- More trained and resourced personnel to enforce laws.
- More opportunities need to be provided to training in the areas of Social Work and Regional Development. Scholarships and internships could be provided as incentives to motivate individuals to pursue these areas of study.
- When children do decide to report, the process needs to be easy and friendly to children; ensure people/staff are properly trained to know how to work with children and create friendly environments.
- The smooth process of reporting would be motivation to the victimized children to continue reporting and not be afraid to come forward. The way in which reports are addressed need to be more responsive as this could increase the confidence us children place in these established institutions.
- Children need to support other children.
- The support of other children in the fight to get our rights publicized can be very influential in shattering the silence that exists between the problem the child encounters and the solution.
- Children need to be involved in finding the solution.
- The involvement of children in finding the solutions necessary to remedy and prevent these problems can increase the chance of these problems being corrected.
• Appropriate psychosocial support in place to know how to handle case of abuse
• Specialization is necessary when dealing with emotionally laden issues, as this increases the level of effectiveness and improved results for the children.
• Need resources and supports to implement rights and actions at the regional and sub-regional levels
• The implementations of certain resources that could increase the coordination between nations would better aid in the fight against violence against children. The establishment of networks across the regions not only formal conferences but informal opportunities where information can be continuously exchanged and countries can advance in unity to eradicate violence once and for all.

Dear delegates,

It has been seven years since this has been instigated, how much have we accomplished since then? I mean, I hear promises and negotiations but that only goes so far without real action. Speaking on behalf of my fellow delegates, we do not want the mere comfort of hearing that we will be heard and some change will be made. What we want is to see actions. All forms of violence should be eradicated.

See, I shouldn’t need an eloquent speech or a series of fancy words for you to understand or realize that this is real, any form of violence against a child has serious implications on him or her and furthermore the society.

You can never forget children are the present and the future, sooner or later members of our generation will become the new leaders and what will become of our society when we, the members of our society, were damaged from our early youth, so we fail to take the necessary initiatives when we are older.

So, in short terms, what we need is more public awareness, adults and children alike should be aware of the child’s rights. You have heard our thoughts; you have heard what we have to say. Just simply enforce our solutions and rights into laws and with this or these laws, it is only fitting that we will need trained and trustworthy personnel dedicated to enforcing them.

Emphasis should also be placed on making the process of reporting violence against children simple and easy for children. But, to be honest, the thing about laws is it only hinders you, it does not kill the thought. A world free from child violence is not a utopia, it can exist. But only with hard work and perseverance and hopefully a little help. There should be region wide conferences for parents or just any typical adult informing them that there are other means of solving problems, than resorting to violence. And, in the case, if you have a child, various ways of communicating with them should be introduced as well as substitutes for corporal punishment.

Children are our pride and joy and naturally pure and kind hearted. In order for them to remain this way, we have to: Get Up! Speak Out! and Make the Change!
ANNEX 3

CHILDREN’S VOICES IN THE SUB-REGIONAL MEETING IN JAMAICA

The drafting of the Children’s Declaration and the children’s meeting with Marta Santos Pais, SRSG on VAC and Rosa-Maria Ortiz, Member, United Nations Committee on the Rights of the Child during the Sub-regional meeting in Jamaica are examples of how children’s voices can be heard by those in authority to steer policy and legislation or to make decisions concerning violence against children. The boxes below highlight children’s involvement to making their voices heard to those who can make a difference, as well as how children themselves perceive their involvement.

Box 7: Children’s Meeting with Marta Santos Pais and Rosa-Maria Ortiz: Caribbean Meeting

The Children’s session with Marta Santos Pais, SRSG on VAC and Rosa-Maria Ortiz, Member, United Nations Committee on the Rights of the Child, during the Sub-Regional event held in Jamaica in May, 2012 essentially created an opportunity for young participants to have their voices heard and their queries addressed as well as an opportunity to be informed of what was being done so that children in the region could be assured that their right to protection was being upheld. Children discussed a range of concerns including why specific recommendations were chosen to be addressed as priorities and what procedures were taken against governments to make sure they are carrying out their role to eradicate violence.

Children were informed of the process of reaching out to governments and creating opportunities, such as the sub-regional events to discuss issues related to violence, as well as have countries share on best practices that can be identified and replicated. The children also learnt how they could access the UN complaint mechanism by either writing to relevant Commissions or to the Committee on the Rights of the Child. A document is also being developed to describe issues that children can complain about, which will be shared with young people. Children also stated that violence in the home is the most conspicuous form of violence against children, which led to further discussions about recommendations by the SRSG to enforce and ensure that parents do not violate the basic rights of the child.

Box 8: Violence against Children in the Spotlight at Caribbean Meeting: Meet Craig

“There are many ways to describe the experience that I have been given the opportunity to witness. Originally I had the standard expectation of a conference, a long and monotonous ceremony where I would be lectured and put to sleep with no chance to offer input and everything be laid out in front of me. It was quite the opposite upon my arrival I have been met with nothing but participation and enthusiasm from both my fellow juices of our creative young minds for the betterment of children around the world and for this I express a million thanks for this marvellous and creative opportunity."

Craig, Young Media team of the conference, Jamaica
ANNEX 4

THE KINGSTON DECLARATION

Kingston Declaration

Follow-up Meeting on the Recommendations of the UN Study on Violence against Children for Countries in the Caribbean

We, the governmental and state authorities, representatives of the civil society and national human rights institutions, children and adolescents and international organizations from Anguilla, Barbados, Belize, British Virgin Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago and Turks and Caicos; as well as representatives of the Inter-American Commission on Human Rights, met in Kingston, Jamaica on 14 and 15 May 2012 for the Follow-up Meeting to the United Nations Study on Violence against Children for countries in the Caribbean, organized by the Global Movement for Children in Latin America and the Caribbean (GMC-LAC), in close collaboration with the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, Ms. Marta Santos Pais, and the Government of Jamaica as host country.

Six years after the presentation of the UNSVAC and its recommendations before the United Nations General Assembly, the organizers of the Caribbean Follow-up Meeting decided to drive a process to assess and evaluate the status of implementation of the Study’s recommendations, including through the development of a mapping of the advances promoted by States, this Sub-regional Meeting in Kingston, as well as to support the establishment of national and regional monitoring mechanisms to assess progress in the implementation of these recommendations.

The meeting provided an opportunity to disseminate the Study on Violence against Children and promote follow-up to its recommendations, as well as to track progress in the implementation of the prioritized Recommendations 1, 2 and 11 at regional and national levels. Based on the Convention on the Rights of the Child, ratified by all countries in the region, participating States reiterated their political commitment to the prevention and elimination of violence against children and promoted an exchange of experiences and the reinforcement of sub-regional cooperation areas.

During the presentations, panels and group work participants identified progress, challenges, opportunities and future actions to develop strategies, policies, legislation and national programs that prioritize the prevention and prohibition of all forms of violence against children and adolescents and the creation and strengthening of national data systems and research. The involvement of children and adolescents provided important inputs to the meeting and to promoting that children’s life without violence can be a reality.
This Declaration will be complemented by the guidelines of a Regional roadmap for Caribbean countries in light of the priorities identified by participating countries committed in support of the regional process and the formulation of national roadmaps. These roadmaps will take into account the contexts and structures of the Caribbean institutions and the specific situation in each State, and will be prepared with the active participation of all stakeholders.

We call on CARICOM Community to play an important role in monitoring the implementation of the Regional roadmap and urging CARICOM States to submit regular reports on the status of the implementation of the UN Study's recommendations, and ensuring the prevention and elimination of all forms of violence against children is considered a priority theme at CARICOM's deliberations on children, particularly the CARICOM/COHSOD Special Meeting on Children.

We recognize that the elimination of violence against children is a major challenge, which requires a sustained and coordinated effort from governmental institutions, legislature, the judiciary, academia, civil society, international agencies, and independent human rights institutions as well as from individual children and adolescents in order to be achieved.

We recognize the importance of facilitating and supporting opportunities for dialogue and coordination at national and regional levels that can help meet the goals established in the United Nations Study on Violence against Children.

Kingston, 15 May, 2012
### ANNEX 5

**RECOMMENDATIONS AND RESPONSES ON CORPORAL PUNISHMENT IN THE UPR**

<table>
<thead>
<tr>
<th>State review</th>
<th>Recommendations (summary)</th>
<th>Government response and other comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda (2011)</td>
<td>To prohibit corporal punishment in all settings, including in the home and as a sentence of the courts, and to promote positive, non-violent discipline through awareness raising campaigns</td>
<td>Recommendations rejected. Government stated that the Corporal Punishment Act should be repealed.</td>
</tr>
<tr>
<td>Bahamas (2008)</td>
<td>To repeal legal provisions on corporal punishment, to continue efforts to prohibit it and to end corporal punishment in homes and schools</td>
<td>Recommendations rejected. Government stated that judicial corporal punishment would be repealed but defended the legality of corporal punishment in homes and schools.</td>
</tr>
<tr>
<td>Barbados (2008)</td>
<td>To repeal legal provisions on corporal punishment, to abolish all corporal punishment of children and to conduct public awareness initiatives to change public attitudes</td>
<td>Recommendation to change public attitudes through awareness raising accepted; recommendation to prohibit corporal punishment rejected. Government stated that Minister for Education’s public advocacy of prohibition in schools was not currently the official position.</td>
</tr>
<tr>
<td>Belize (2009)</td>
<td>To prohibit all corporal punishment of children</td>
<td>Recommendations accepted. Government stated that law reform to prohibit in schools was under way and that complete prohibition is being considered. (Note: Prohibition in schools has been achieved.)</td>
</tr>
<tr>
<td>Dominica (2009)</td>
<td>To prohibit corporal punishment in all settings and repeal all legal provisions for it</td>
<td>Recommendations rejected. Government stated that corporal punishment in schools is not applied arbitrarily and there is no intention to prohibit corporal punishment.</td>
</tr>
<tr>
<td>Grenada (2010)</td>
<td>To prohibit corporal punishment in all settings.</td>
<td>Recommendations not formally accepted or rejected. Government stated that corporal punishment is regulated by the Education Act and could not be prohibited.</td>
</tr>
<tr>
<td>Guyana (2010)</td>
<td>To prohibit corporal punishment in all settings, including the family</td>
<td>Recommendations not formally accepted or rejected. Government noted that law reform was under way to prohibit corporal punishment in the penal system but corporal punishment in schools is distinct from child abuse and public opinion does not support prohibition. (Note: Corporal punishment is now prohibited as a sentence for crime and as a disciplinary measure in penal institutions for children under 17.)</td>
</tr>
<tr>
<td>Haiti (2011)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Jamaica (2010)</td>
<td>To prohibit corporal punishment of children in detention centres</td>
<td>Recommendation accepted. Government stated it is already implemented or in the process of being implemented.</td>
</tr>
<tr>
<td>Country and Year</td>
<td>Recommendation</td>
<td>Implementation Status</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>St Kitts and Nevis (2011)</td>
<td>To prohibit corporal punishment in all settings, including juvenile justice and in the home</td>
<td>Recommendation not formally accepted or rejected. Government stated that discipline is important in society and corporal punishment is regulated under the Education Act to ensure it does not cross the line into abuse.</td>
</tr>
<tr>
<td>St Lucia (2011)</td>
<td>To review legislation relating to corporal punishment, to prohibit corporal punishment in all settings and to conduct awareness raising campaigns on the issue</td>
<td>Recommendations rejected. Government stated that corporal punishment is part of the culture. Government will continue public awareness raising on the issue together with efforts to phase out its use in schools.</td>
</tr>
<tr>
<td>St Vincent and the Grenadines (2011)</td>
<td>To prohibit corporal punishment in all settings including in the home and in the context of justice</td>
<td>Recommendations rejected. Government stated that laws constrained the use of corporal punishment and that the last time corporal punishment had been carried out as part of a criminal sentence could not be recalled.</td>
</tr>
<tr>
<td>Suriname (2011)</td>
<td>To prohibit corporal punishment in all settings, including the home</td>
<td>Recommendation to prohibit in schools accepted; recommendations to prohibit in other settings rejected. Government stated Ministerial instructions forbid corporal punishment in schools, regulations prohibit it in penal institutions, regulations to prohibit in care centres are being debated, and domestic violence law has begun to combat corporal punishment in the home.</td>
</tr>
<tr>
<td>Trinidad and Tobago (2011)</td>
<td>To review legislation on corporal punishment and to prohibit it in all settings including the home</td>
<td>Recommendation rejected. Government stated corporal punishment traditionally accepted in disciplining children; there is policy against corporal punishment in schools and measures to promote school discipline without corporal punishment; criminalisation of corporal punishment is the subject of national debate.</td>
</tr>
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ANNEX 6

REGIONAL ROADMAP TO PROTECT CHILDREN AGAINST ALL FORMS OF VIOLENCE IN THE CARIBBEAN

Roadmap to protect children against all forms of violence in the Caribbean

Outcome of the Sub-regional Meeting for the Follow-up to the United Nations UN Study on Violence against Children, Kingston, 14 - 15 May 2012

I. Background

The Caribbean Meeting for Follow-up to the Recommendations of the United Nations Study on Violence against Children was held in Kingston, Jamaica on 14 and 15 May 2012 to encourage more widespread dissemination of the UN Study and renewed commitments to follow up on its recommendations at sub-regional and national levels. The meeting was also meant to raise awareness about violence against children in the Caribbean, to promote exchange of experiences, and stimulate further progress in priority areas of concern.

The meeting was hosted by the Government of Jamaica, organized with the Global Movement for Children in Latin American and the Caribbean (GMC–LAC) in partnerships with the United Nations Special Representative of the Secretary-General (SRSG) on Violence against Children (Marta Santos Pais), and benefited from the support of CARICOM.

The Caribbean meeting promoted the consolidation of the strategic alliances with key institutions, including the UN Special Representative of the Secretary General on Violence against Children, the Inter-American Commission on Human Rights (IACHR) and CARICOM. The meeting prioritized strengthening institutional links with countries in the Caribbean, United Nations agencies, international and regional organizations, as well as civil society organizations, including the media, religious leaders, research institutions and children and adolescents themselves, with a focus on accelerating progress in the implementation of the recommendations of the UN Study.

The meeting reaffirmed the importance of the Recommendations of the UN Study in taking concrete and strategic actions based on international human rights instruments and in accelerating and monitoring progress in preventing and responding to all forms of violence against children.

The meeting recognized the strategic role of the SRSG on Violence against Children in raising awareness and promoting accelerated progress in the implementation of the UN Study’s recommendations. In this perspective, the SRSG’s task is fundamental and underscores the urgency of tackling violence against children and adolescents, based on an effective approach and realistic priorities, with a particular emphasis on the following three overarching recommendations of the UN Study:

- Development in each State of a national strategy on violence against children (Recommendation 1);
- An explicit legal ban on all forms of violence in all settings (Recommendation 2);
- Development of data and research systems with regard to this problem (Recommendation 11).
II. Proposals and recommendations

Prior to the event, a mapping exercise was conducted on implementation of the recommendations in the Caribbean - emphasizing the three prioritized by the SRSG. The mapping incorporated information from primary and secondary sources, as well as from States and civil society organizations from throughout the Caribbean. Experts on children’s rights also contributed with valuable information. In addition, groups of children and adolescents were consulted to ensure their views are taken into account. Their contributions were decisive in clarifying their perceptions of violence, their experiences and proposals on ways to implement the recommendations.

The present document is based on the key findings of the mapping and the outcomes of the Caribbean Meeting. It presents a Roadmap with recommendations to track progress in implementing the three recommendations identified as priorities.

To ensure a strategic and sustainable approach to the implementation of the recommendations, the following strategic actions are proposed:

**Use of the international human rights instruments as a framework for action**

Considering that the protection of children and adolescents from violence is an ethical and human rights imperative, it is recommended that all States in the Caribbean ratify the human rights treaties related to children and withdraw reservations they may have entered in relation to these. In particular, States in the Caribbean are encouraged to ratify the three Optional Protocols to the Convention on the Rights of the Children, namely: the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure.

States are called upon to recognize the contentious jurisdiction of the Inter-American Court of Human Rights and to take actions to implement the recommendations by international and regional human rights monitoring bodies, in particular the Committee on the Rights of the Child (CRC Committee), the SRSG on Violence against Children, the Inter-American Commission on Human Rights (IACHR) and its Rapporteurship on Children’s Rights, and the Inter-American Court of Human Rights. Special attention should be paid to the Concluding Observations and General Comments of the CRC Committee, the recommendations of the SRSG on Violence against Children, and the recommendations of the three thematic reports published by the IACHR: Citizen Security and Human Rights; Corporal Punishment and Human Rights of Children and Adolescents; and Juvenile Justice and Human Rights.

**Development of a national strategy to prevent and respond to all forms of violence against children and adolescents (Recommendation 1)**

States are encouraged to develop a comprehensive and integrated strategy on the prevention and response to all forms of violence against children. In addition, the recommendations of the UN Study should be included in public policy planning instruments, both those of a general nature and those specifically designed for children (i.e. national plans of action for children, national development plans, and national human rights plans, as well as other plans and programmes). The strategy on violence as well as
other State’s planning instruments must include strategic objectives, defined timelines and resource allocations that are adequate and sufficient, in both financial and human terms, as well as relevant indicators and regular evaluations of their results and impact. Their implementation needs to be ensured by high level coordinating mechanisms, with management responsibility for activities that span across government departments and political and administrative levels. States are encouraged to ensure that reports of the implementation of the strategy on violence and supportive activities are presented annually to Parliament and made available to the general public.

The development of national strategies and plans should be promoted in association with other relevant parties, in particular civil society organizations, and other groups, including children and adolescents, as well as religious leaders, the media, academic institutions.

These actions must be accompanied by a communication and dissemination strategy involving the media in order to strengthen the principles of transparency and public control and ensure that the public has access to information on strategies for combating violence. The communication strategy should also seek to contribute to addressing social norms and behaviours condoning violence against children (entailing a social and cultural change) and should be directed both at the general public and at decision-makers, using appropriate, child-friendly language when required.

**Adoption of national legislation prohibiting all forms of violence against children (Recommendation 2).**

It is of concern that some forms of violence are still not prohibited or adequately regulated by law. The majority of countries in the Caribbean continue to allow violence in certain settings, including in the home and community, in schools, workplaces and care and justice institutions. Furthermore, others do not adequately penalize those who sexually abused children and adolescents.

States are urged to enact legislation explicitly prohibiting all forms of violence against children, in all settings. This includes the prohibition of sexual abuse against boys and girls, without any type of discrimination. The current legislation in many countries is in effect denying boys who are sexually abused the same protection offered to girls --legislation should therefore be made gender neutral in Caribbean countries. It is also recommended to ensure that all types of sexual acts perpetrated against children are spelt out, as separate offences - using terminologies based on human rights instruments - with corresponding penalties --there should be no disparity in sentencing between offences.

To date no countries in the Caribbean have adopted comprehensive legislation prohibiting all corporal punishment against children, in all settings\footnote{Committee on the Rights of the Child General Comment 8(2006) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment CRC/C/GC/8, 2 March 2007 and General Comment 13 (2011)The right of the child to freedom from all forms of violence CRC/C/GC/1318 April 2011} – home, schools and institutions. States in the Caribbean are urged to explicitly prohibit corporal punishment in all settings. This legal prohibition will send a clear message that all forms of violence against children and adolescents are inadmissible. The explicit prohibition on physical and humiliating punishment is essential, as is the repeal of defences currently included in legislation, including the term ‘moderate’ or ‘reasonable’, which introduces an element of discretion that is inconsistent with the rights of children and adolescents to their personal integrity and human dignity.
With respect to the prevention of violence in institutional settings, it is important that guidelines include suitable guarantees regarding supervision and safe and child sensitive counselling, reporting and complaint mechanisms. This includes mechanisms for redress and legal and psychological support to aid recovery and integration. Complaint mechanisms must be designed to be easily accessible by and specially adapted for children and adolescents – including young children and children with disability - and to be established by law, confidential, safe, user-friendly and independent to avoid re-victimization. Legal guarantees must be established to protect child victims and witnesses and prevent any risk of manipulation or reprisals.

States should take all necessary measures to combat and end impunity for incidents of violence and violations of child rights, providing adequate sanctions. There are significant concerns regarding incidents of violence and violations of human rights of children and adolescents occurring in centres of confinement, and in institutions where children and adolescents are under the custody of the State. It is important that all countries establish a separate, and specialized juvenile justice system staffed by specialized judges who have training in human rights and child development. The juvenile justice system should put emphasis on alternative measures to deprivation of liberty and promote socio educative rather than merely punitive measures – taking in mind that deprivation of liberty should be a measure of last resort, and for the shortest time possible. As a matter of priority, countries in the Caribbean should increase their minimum age of criminal responsibility to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level. Violence as a sentence such corporal punishment, death penalty and life imprisonment should be abolished in the region.

National legal frameworks must be reviewed and reformed to ensure fully compliance with international and regional human rights standards. Participation by civil society and children and adolescents themselves must be taken into consideration in these legislative reforms processes, particularly on issues affecting them, as established by the Convention on the Rights of the Child strengthening linkages between governments and non-governmental governmental organizations.

Legislation must also cover the work of both public and private institutions, and be used as the basis for developing regulations concerning these services, including standards of conduct and discipline and appropriate monitoring mechanisms.

Law enforcement must be complemented by initiatives aimed at raising social awareness and mobilizing the general public, particularly children and adolescents. In most cases this implies combating deeply rooted social attitudes and behaviours and creating conditions for a culture of respect for children’s rights. Media dissemination plans are recommended to further this aim. These initiatives should focus particularly on those who are in direct contact with children, including parents, relatives, caregivers, teachers, health professionals, social workers, civil servants employed in public institutions, civil society organizations that work with children and adolescents, the general public, public decision-makers and their advisers. Parliamentarians should organize debates to supervise and encourage follow-up of any legislative recommendations or reforms that may be necessary to prevent and respond to violence against children. They should also guarantee allocation of adequate resources for effective implementation of legislation.
Consolidation of national systems to collect, analyse and disseminate data and research on violence against children (Recommendation 11)

Efforts are needed to strengthen national systems for collecting and generating consolidated disaggregated data that allow for monitoring progress over time and comparison with data from other sources avoiding duplication among different national institutions. This system will be a key tool for planning public policies and informing policy and budgetary decisions, and for monitoring and evaluation.

The information systems should contain both quantitative and qualitative data that reflect diversity (indigenous populations, rural populations, age…), have access to diverse sources and enhance capacity to conduct quality research. Collaboration of national statistics centres with universities and research institutions is important, as well as with civil society organizations that generate research and data on violence against children. Adequate training for staff involved in information collection, analysis and dissemination must also be addressed.

It is recommended that questions addressing issues of violence be included in household surveys (MICS), keeping in mind the limitations of such surveys when violence occurs within the family itself. It is recommended that the opinions and perspectives of children and adolescents be included and their experiences recorded. In this respect, it is felt that children and adolescents should participate directly in surveys and perception studies and other qualitative and quantitative research, and that these surveys should be conducted regularly and in an ethical manner. In this perspective, schools may be a setting for administration of such surveys; however, special attention should be given to ensuring the voice of children who are in institutions or confinement in States’ institutions also heard. To ensure reliability and quality of information, it is recommended that these surveys be conducted by experts, in respect of children’s rights.

Statistical information must be made public in a friendly manner, respecting the principle of transparency and scrutiny of public administrations by their citizens while preserving individuals’ right to privacy. Accessibility and analysis of information by children and adolescents, civil society and public in general should be considered.

Greater attention is recommended with regard to information collection on violence prevention, particularly on risk factors and protection issues. The same applies to information on forms of response to violence and recovery of victims. The information gathered should not be restricted to quantitative data on the number of violations and the types of violence. Telephone helplines are an important mechanism to compile and monitor data on the facts reported and the process followed in response to specific cases (such as the number of cases reported that lead to a formal complaint, and the result, if any).

There must be an increase in the number of monitoring tools, instruments and indicators available. Indicators developed must be grounded in international human rights instruments and incorporate enhanced equivalence and standardization factors, permitting comparison of data over time and between countries and improved monitoring. Children of all ages, gender, ethnic origin, nationality, social and economic condition and in all environments should be taken into account, particularly those incurring the greatest risks. Less visible forms of violence must be identified.
It is essential to integrate information databases across all sectors (e.g. education, health, justice, finance etc.) since it is possible that data from different sectors are not being cross-referenced or jointly analysed. Effective data management is crucial. States should have integrated systems that draw on data generated by prevention, detection and protection services.

National plans on violence must include indicators for measuring the scope of the objectives proposed, with particular attention to implementation at local level. Financial and public investment indicators should be considered.

It is recommended that CARICOM, as a regional organization in the Caribbean, support the work of unifying concepts and recognizing or standardizing indicators, providing technical assistance and guidance to States in the region creating a network linking national systems. Another aspect of possible collaboration between the CARICOM and the States is the development of an effective model of inter-sectoral data management and modernization of instruments and systems. It is recommended that CARICOM encourage initiatives in this respect, fostering exchange and taking into consideration good practices at country level.

Furthermore, it is recommended that a monitoring mechanism is set up at CARICOM level to regularly monitor the implementation of the UN Study’s recommendations by States in the region with common indicators that allow to share and compare information between countries.

III. Institutionalization of a follow-up process and application of the UN Study’s recommendations

Overcoming all forms of violence against children and adolescents requires a sustained effort over time and the joint work of many varied actors. Thus it is clearly necessary to institutionalize suitable and adequate national and regional structures and processes for follow-up and application of the recommendations to achieve progress and ensure sustainable changes.

**Designation of a high-level authority in each country with the mandate to coordinate actions necessary for implementation and follow-up to the UN Study recommendations.**

Confronting the phenomenon of violence requires an integrated and holistic approach. Such a multi-faceted and multi-causal issue linked to children’s rights must be addressed from the perspective of promotion, prevention, protection and response if we are to break the cycle that reproduces violence, and not merely offer reactive responses. This type of intervention requires two kinds of coordination: horizontal (between sectors, including health, education and social affairs, gender, justice and home affairs, planning, economy and finance) and vertical (between local and national authorities). Thus, coordination must be led by a top-level actor with the capacity to manage coordination and a mandate to call on diverse sectors and the various levels of government. It is recommended that a strategy be designed and mechanisms sought through which the recommendations can be incorporated into all spheres and levels of the State, at the same time ensuring effective and efficient vertical coordination.

Based on positive promising practices in the region regarding effective structural framework and mechanisms, the following operational suggestions are made to stimulate the process of follow-up to the UN Study recommendations:
The setting up of multidisciplinary and cross-departmental Committees at country level – involving the highest authorities - to mobilize the process of development of the national plan (national roadmap) with adequate resource allocation, specific goals and objectives; and responsibilities for follow-up of actions and regular evaluation of results. The Committees should be comprised of different state actors, experts, civil society and children and adolescents bearing in mind cultural diversity;

- The creation of a Coordination group at national and sub-regional levels focusing on the issue of violence, with a specific budget and access to technologies to facilitate communication between specialists across the Caribbean region;

- The development of coalitions at national and sub-regional levels (with the participation of civil society organizations and other groups representing children, including children themselves) to inform and support the consideration of children’s protection from violence as a priority in the agenda of governments in the region as well as within the regional work undertaken by CARICOM, the Organization of Eastern Caribbean States (OECS), the Organization of American States (OAS) and other actors in the region.

Financial resources must be transferred from national to decentralized levels in accordance and consistent with responsibilities assigned, avoiding the creation of inequalities in access to prevention and protection anywhere within the territory. To achieve this without limiting compliance by a country, the clause addressing budget allocation in Recommendation 1 – “must be in accordance with the country’s resources” – should be viewed in relative terms.

**Promotion of and support for the participation of children and adolescents**

It is fundamentally important to encourage participation of children and adolescents in the follow-up to the UN Study. Their ideas and experiences should be valued and considered. Appropriate conditions should be established for them to act within their own communities, including a mechanism for their own protection. It is therefore recommended that the communication strategy be developed with children and adolescents from its conception and design to its implementation, using child-friendly materials that take diversity into account.

At the same time, approaches adapted to children/adolescents should be promoted in both prevention and response, thus increasing accessibility for children/adolescents and the efficiency of the strategies employed.

It is therefore recommended that children’s participation be institutionalized through appropriate and representative fora and mechanisms, in accordance with article 12 of the Convention on the Rights of the Child and with General Comment No. 12 of the Committee on the Rights of the Child regarding the Right of the Child to Be Heard, and the recommendations of the 20th Pan-American Conference. These measures should take into consideration the on-going efforts for the creation of Children’s Consultative Councils and existing children’s organizations and networks.
Follow-up of the recommendations of the UN Study by Independent National Human Rights Institutions

The establishment of Independent National Human Rights Institutions (INHRI) is strongly encouraged. Their actions should include follow-up to the recommendations of the UN Study. Among possible initiatives also are: advocacy for legal reforms; promotion of public policies; research and initiatives involving supervision and monitoring; provision of counselling/guidance; and in some cases response to individual complaints on incidents of violence. It is also recommended that INHRI submit annual reports to the Parliament to discuss progress towards achievement of the UN Study’s recommendations.

Children and adolescents must have direct and user-friendly access to the INHRI and have appropriate information on its mandate.

It is recommended that INHRI in each country institutionalize their collaboration with the SRSG so they can provide relevant information regarding the follow-up of the UN Study. Similarly, it is important that the various INHRI have spaces for exchange and collaboration between them so that they can share knowledge and experiences and build synergies. This could be done through the establishment of network of INHRI at regional level.

Consideration of the recommendations by multilateral regional bodies and spaces for interstate cooperation

Some forms of violence are transnational in nature, requiring interstate agreements for cooperation or multilateral action. Tackling such issues through multilateral bodies such as the CARICOM and/or the OECS is essential.

Promotion of alliances of actors and sectors to achieve greater impact

Initiatives such as the one promoted by the Global Movement for Children in Latin America and the Caribbean are important in supporting progress towards compliance with the recommendations of the UN Study. They must be encouraged and maintained, ensuring their development at national and regional levels.

Within this framework it is important to stimulate and reinforce local, national and regional organizations working on violence against children, whether individually or as part of networks and coalitions. It is also important to encourage and ensure exchange and cooperation among actors, including the media at local, national and regional levels to ensure the visibility, dissemination and sharing of their various initiatives.

Consideration of the recommendations by multilateral development organizations and international financial institutions

Given the unanimous support for the UN Study expressed by the States and the existing relationships for development cooperation among several States in the Caribbean, it is recommended that the UN Study and its recommendations be taken into account as a reference in strategic interventions in bilateral cooperation between States, as well as in multilateral development organizations and international financial institutions.

IV. Follow-up to the Roadmap

Complements to this regional Roadmap are the Manifesto produced by children and adolescents of the Caribbean countries participating in the meeting and the Kingston Declaration, endorsed by the participants to the meeting.
Participants in the working groups have also produced an initial draft roadmap for each country, adapting the recommendations to each country’s context. These national roadmaps, to be developed in conformity with the regional Roadmap, will later be improved and discussed at national level by those who participated in this process and will inform implementation of the Roadmap at country level.

In the Caribbean, CARICOM, in conjunction with the community organs and mechanisms (such as the Council for Human and Social Development - COHSOD), represents a valuable structure for institutionalizing regional follow-up to the UN Study, grounded in the Roadmap agreed to at the Kingston meeting. Within this forum mechanisms can be established for exchange of experiences that contribute to implementation of the UN Study’s recommendations. In this respect, it should be considered that, at the bi-annual meeting of the Special COHSOD for children, each State presents a follow-up report about country level progress and challenges in implementing the UN Study's recommendations. Such a common approach has great value in creating opportunities for collective progress and synergies in the region. It is also recommended that CARICOM reinforce its institutional relationships with the SRSG on Violence against Children with a view to contributing to the SRSG:s mandate.

Finally, CARICOM Member States and associates should consider providing support to the SRSG’s Office for the implementation of its mandate. As the Office depends on voluntary contributions, insufficient funding can put at risk the efficiency, long-term planning and independence of the mandate. It is hence crucial that States – which unanimously declared their commitment to the UN Study and its recommendations at the UN General Assembly – mobilize in support of the SRSG’s mandate and contribute to ensuring the continuity and visibility of the agenda on violence against children within the United Nations system.
ANNEX 7

CHARTER OF CIVIL SOCIETY FOR THE CARIBBEAN COMMUNITY

PREAMBLE

We the People of the Caribbean Community, acting through the assembled representatives of our Governments;

RECALLING that the Conference of Heads of Government of the Caribbean Community at their Special Meeting in Port-of-Spain, Trinidad and Tobago, in October 1992 adopted the recommendation of the West Indian Commission that a Charter of Civil Society for the Caribbean Community be subscribed to by Member States of the Community;

CONSCIOUS that the common historical, cultural and social bonds of the people of the Caribbean Community underpin the commitment of the Governments and peoples of Member States of the Community to this Charter;

DETERMINED

- to enhance public confidence in governance, thereby reinforcing the loyalty of all the people;
- to ensure continuing respect for internationally recognised civil, political, economic, social and cultural rights;
- to uphold the right of people to make political choices;
- to create a truly participatory political environment within the Caribbean Community which will be propitious to genuine consultation in the process of governance;
- to promote, foster and maintain racial harmony;
- to uphold the principle of freedom of religion;
- to promote economic growth and sustainable development through the wise use of the human and natural resources;
- to attain economic and social justice and to pursue the goals of health, education and employment for all;
- to eliminate, as far as possible, social problems such as crime and the abuse of drugs and other substances;
- to enter the Twenty-First Century on the basis of the best possible governance and to achieve and sustain such governance by mobilising action for change;

DECLARE our resolve to pay due regard to the following principles by which our Governments commit themselves to respect and strengthen the fundamental elements of a civil society:

ARTICLE I-Use of Terms

In this Charter, unless the context otherwise requires the following expressions shall have the following meanings:

(a) “Social partners” shall mean the Government of a State, Associations of Employers, Workers Organisations and such Non-Governmental Organisations as the State may recognise;
(b) “State” shall mean a Member State of the Caribbean Community and shall include Associate Members of the Caribbean Community.

ARTICLE II- Respect for Fundamental Human Rights and Freedoms

1. The States shall respect the fundamental human rights and freedoms of the individual without distinction as to age, colour, creed, disability, ethnicity, gender, language, place of birth or origin, political opinion, race, religion or social class but subject to respect for the rights and freedoms of others and for the public interest.

2. Those fundamental human rights and freedoms include:

   (a) the right to life, liberty and security of the person;
   (b) protection for the privacy of the home and other property of the individual;
   (c) protection from deprivation of property without due process and just compensation within a reasonable time;
   (d) freedom of conscience, of expression and of assembly and association within the meaning of the constitutions of States;
   (e) freedom of movement within the Caribbean Community, subject to such exceptions and qualifications as may be authorised by national law and which are reasonably justifiable in a free and democratic society.

3. The States shall promote and encourage the effective exercise of civil and political rights and, within the limits of their resources, economic, social and cultural rights all of which derive from the inherent dignity of the human person and which are essential for the free and full development of the person.

4. The States shall keep the general public informed of the provisions of this Charter and of international and regional agreements and declarations in the field of human rights to which they subscribe.

ARTICLE III-Human Dignity

The States shall, in the discharge of their legislative, executive, administrative and judicial functions ensure respect for and protection of the human dignity of every person.

ARTICLE IV-Right to Life, Liberty and Security of the Person

1. Every person shall have the right to life. No person shall be deprived of his or her life intentionally save in accordance with national law.

2. No person shall be deprived of his or her personal liberty or the security of his or her person except by due process of law.

ARTICLE V- Equality before the Law
1. All persons shall be equal before the law, be entitled to the equal protection of the law and to a fair and impartial hearing within a reasonable time.

2. The States shall use their best endeavours to have legal assistance extended in any case where the interest of justice so requires.

3. No person shall be favoured or discriminated against by reason of age, colour, creed, disability, ethnicity, gender, language, place of birth or origin, political opinion, race, religion or social class.

4. A law shall be deemed not to be contrary to paragraph 3 if such law provides for special measures for the sole purpose of furthering the development and advancement of hitherto disadvantaged communities or sections of the population to enable them to develop and realise their potential to the fullest.

ARTICLE VI- Political Rights

1. The States shall ensure the existence of a fair and open democratic system through the holding of free elections at reasonable intervals, by secret ballot, underpinned by an electoral system in which all can have confidence and which will ensure the free expression of the will of the people in the choice of their representatives.

2. The States shall take all appropriate measures to promote and maintain an effectively functioning representational system, including the holding of regular public sessions of representatives of the people.

3. Every person shall have the right to: (a) form a political party or organisation;

   (b) join a political party or organisation of his or her choice;

   (c) attend public meetings of political parties or organisations;

   (d) participate in the activities of a political party or organisation;

   (e) give expression to his or her political beliefs in a peaceful manner;

   (f) make himself or herself available for nomination for and election to any public office for which he or she qualifies.

4. The provisions of this Article shall not preclude the States from taking measures authorised by their Constitutions to regulate persons employed in the service of the State with respect to their participation in the activities of a political party or organisation.
ARTICLE VII-Meetings, Demonstrations and Petitions

Every person shall have the right to assemble, to demonstrate peacefully and to draw up and present petitions, subject to such restrictions as may be imposed by national law in the public interest and which are reasonably justifiable in a free and democratic society.

ARTICLE VIII- Freedom of Expression and Access to Information

1. Every person shall have the right to the enjoyment of freedom of expression including the right to:

   (a) hold opinions and to receive and communicate ideas and information without interference and freely to send or receive communications by correspondence or other means;
   (b) seek, distribute or disseminate to other persons and the public information, opinions, and ideas in any form whatever.

2. The right conferred by paragraph 1 of this Article shall also be enjoyed by the media.

3. The exercise of the right conferred by this Article carries with it special duties and responsibilities and may be exercisable subject to such reasonable restrictions in the public interest, as may be imposed by law and are justifiable in a democratic society:

   (a) for the protection of the reputations, rights and freedoms of other persons; or
   (b) in the interest of defence, public safety, public order, public morality or public health.

4. The States shall respect, encourage and promote the existence of a diversity of sources of information as a means of ensuring greater public access to information.

5. This Article shall not be construed as preventing the State from requiring the licensing of broadcasting, transmission or other means of communication, public exhibition or public entertainment.

ARTICLE IX- Religious Diversity

The States shall recognise and respect the freedom of conscience of the individual to profess and practise alone or in community with others, in private or in public, his or her religion, belief or persuasion in accordance with the dictates of his or her own conscience, subject to such restrictions as may be imposed by national law in the interest of defence, public order or public safety or for the protection of public health or public morals or for the protection of the rights and freedoms of others provided that such restrictions are reasonably justifiable in a free and democratic society.
ARTICLE X - Cultural Diversity

The States recognise that:

(a) each culture has a dignity and a value which shall be respected and that every person has the right to preserve and to develop his or her culture;

(b) every person has the right to participate in the cultural life of his or her choice.

ARTICLE XI - Rights of the Indigenous Peoples

The States recognise the contribution of the indigenous peoples to the development process and undertake to continue to protect their historical rights and respect the culture and way of life of these peoples.

ARTICLE XII - Women’s Rights

For the promotion of policies and measures aimed at strengthening gender equality, all women have equal rights with men in the political, civil, economic, social and cultural spheres. Such rights shall include the right:

(a) to be elected or appointed to Public Office and to be eligible for appointment to positions of decision-making bodies at all levels of their society;

(b) to be afforded equal opportunities for employment and to receive equal remuneration with men for work of equal value;

(c) not to be discriminated against by reason of marital status, pregnancy, lactation or health-related matters which affect older women;

(d) to legal protection including just and effective remedies against domestic violence, sexual abuse and sexual harassment.

ARTICLE XIII - Children’s Rights

1. Every child has, in particular, the right:

(a) not to be compelled to perform or to render services harmful to his or her physical or mental health, upbringing, education or social development;

(b) to protection against economic or other exploitation, physical or mental violence, injury, neglect or abuse including sexual abuse;

(c) where appropriate, having regard to factors including the child’s age and mental and physical development, to be consulted and to have his or her view represented personally or by an independent person before the courts and other agencies or bodies which deal with the welfare of the child.

2. For the purposes of this Article and Article XV, “child” means every person below the age of eighteen years unless, under national law, majority is attained at an earlier or later age.
ARTICLE XIV-Rights of Disabled Persons

1. Every disabled person has, in particular, the right -

(a) not to be discriminated against on the basis of his or her disability;
(b) to equal opportunities in all fields of endeavour and to be allowed to develop his or her full potential; (c) to respect for his or her human dignity so as to enjoy a life as normal and full as possible.

ARTICLE XV- Access to Education and Training

1. The States shall ensure that every child has the right to, and is provided with, quality primary education.

2. The States shall ensure equal access to secondary and post secondary education and reasonable access to continuing adult education and training.

3. Every child, irrespective of colour, creed, disability, ethnicity, gender, language, place of birth or origin, political opinion, race, religion or social class shall have the right to equal access to State or State-assisted educational institutions.

4. Every child with a disability shall have the right to special education in accordance with his or her needs funded wholly or partially by the State up to an age determined by national law.

5. Every State shall put into place measures to ensure that parents enable their children to make full use of the educational opportunities provided by the State.

ARTICLE XVI- Rights of the Family

The States, recognising the family as the fundamental unit of society, shall endeavour to ensure:

(a) the fulfilment of the necessary conditions for the promotion of family life and effective parenting skills, bearing in mind the importance of the role of each parent;
(b) the full development and protection of the family, including the extended family.

ARTICLE XVII- Good Governance

1. The States shall adopt and implement all appropriate measures to ensure good governance which is just, open and accountable.

2. The States recognise and affirm that the rule of law, the effective administration of justice and the maintenance of the independence and impartiality of the judiciary are essential to good governance.
3. The States, recognising that integral to the concept of good governance are the complementary roles of government, the social partners and the citizenry, shall ensure that the rights and responsibilities of all are clearly established and that the appropriate environment for their exercise and discharge, as the case may be, is fostered.

4. The States, in order to ensure morality in public affairs, agree that holders of public office and all those who exercise power the exercise of which affects or may affect the public interest, shall so order their affairs in accordance with national law that such ordering gives no cause for conflict to arise or to appear to arise between their private interests and their duties to the public, or to otherwise compromise their integrity. To this end, the States agree to establish a Code governing the conduct of the holders of public office and all those who exercise power, the exercise of which affects or may affect the public interest.

5. The States shall undertake:

(a) to foster continuously greater cost-effectiveness in their operations while being facilitative and supportive of the development process;
(b) to ensure that all persons are treated fairly, humanely and equally by public authorities and holders of public office and all those who exercise power so as to affect the quality of life of our people;
(c) to ensure responsiveness to the needs of the people as consumers in the delivery of goods and services.

6. The States undertake to preserve and respect the existence of an independent public service with attractive career opportunities open to all on the basis of merit and which is effective, efficient, responsive, adaptive and innovative in its conduct of public administration.

7. The States in order to further the participation of the people in the democratic process shall establish effective systems of ongoing consultations between the Government and the people.

8. The States shall undertake to ensure that in the process of governance, there is no victimisation of any person.

ARTICLE XVIII- Participation in the Economy

1. The States shall facilitate access by their peoples to resources in such a manner as to promote economic growth, sustainable development and full employment, especially of the young people, and to enhance the opportunities for the achievement by every person of a reasonable and secure standard of living.

2. Every person shall have the right freely and on the basis of full equality to engage in economic activities, including the right to participate in, establish and manage his or her own enterprise in the commercial, industrial, agricultural, service or other sectors.

3. The States undertake to collaborate with the social partners for the provision of creative employment for young people and the disabled and for fostering strategies for their employment.
ARTICLE XIX- Workers' Rights

1. Every worker has the right:

(a) to form or belong to and participate in the activities of trade unions or other associations for the promotion and protection of his or her interest or the right not to belong to and participate in the activities of any such trade union or association;
(b) to negotiate or bargain collectively;
(c) not to be subjected to unfair labour practices, including intimidation and victimisation;
(d) to work under safe, hygienic and healthy conditions;
(e) to reasonable hours of work, rest, periodic holidays with pay and remuneration for public holidays;
(f) to receive reasonable remuneration for his or her labour and to withhold his or her labour subject to such reasonable restrictions as may be imposed by national law in the public interest.

2. The provisions of this Article shall not preclude the States from taking measures imposing on persons in the service of the State, restrictions which are reasonably justifiable in a free and democratic society.

3. The States undertake:

(a) to safeguard the right of workers to earn their living in freely chosen lawful occupations;
(b) to recognise the desirability of workers earning a level of remuneration which would afford them and their families the enjoyment of a decent standard of living;
(c) in recognition of the right of workers to collective bargaining, the responsibility to provide adequate machinery for the recognition and certification of trade unions enjoying the support of a majority of the workers based on the free choice of the workers concerned;
(d) to foster and promote a harmonious and productive working environment by sensitising workers, trade unions and employers as to their respective and mutual obligations;
(e) to provide protection for workers against arbitrary dismissal; (f) to provide adequate machinery for the speedy resolution of industrial disputes and the restoration of normalcy in the event of strikes, lock-outs and other forms of industrial action;
(f) to provide an adequate period of leave with pay, or with adequate social security benefits for women before and after childbirth and to make it unlawful for an employer to terminate a woman's employment or take any other action that would unfavourably affect her status or promotion by reason of her pregnancy;
(g) to establish standards to be observed by employers in providing workers with a safe and healthy working environment;
(h) to provide workers with adequate social security benefits;
(i) to ensure that every person who has attained the age of retirement and does not have adequate means of subsistence is provided with social and medical assistance.
ARTICLE XX- Health

The States shall use their best endeavours to provide a health care system that is:

(a) sufficiently comprehensive to deal with all health challenges including epidemics; and
(b) well administered, adequately equipped and accessible to all without discrimination.

ARTICLE XXI- Basic Necessities

The States shall endeavour to:

(a) provide adequate social services and benefits for the population at large; and
(b) ensure that the most needy persons have access to food, housing and other basic necessities.

ARTICLE XXII- Social Partners

The States undertake to establish within their respective States a framework for genuine consultations among the social partners in order to reach common understandings on and support for the objectives, contents and implementation of national economic and social programmes and their respective roles and responsibilities in good governance.

ARTICLE XXIII- Environmental Rights

1. Every person has a right to an environment which is adequate for his or her health and well-being and a corresponding duty to protect, conserve and improve the environment.

2. The States shall take steps to establish environmental standards and to monitor compliance with such standards.

3. The States, considering the shared universal responsibility for human survival, shall put in place measures to ensure the protection and improvement of the environment and the conservation and management of its natural resources for the benefit of present and future generations.

ARTICLE XXIV- Awareness and Responsibilities of the People

The States hereby declare that the people have an important role to play in the pursuit and maintenance of good governance. Accordingly, the States shall build awareness, engender support and establish programmes to foster sound values and positive attitudes and shall enhance individual and institutional capacities to secure objectives, including:
(a) the inculcating, nurturing and demonstration of love of one’s country;
(b) the participation in the electoral process;
(c) the development of a positive work ethic at all levels in society in the recognition of the responsibilities of the people in the areas of production, the economy and the provision of goods and services;
(d) the sensitising of the people to the importance of continuous skill upgrading, training and broadening of their skills and expertise;
(e) the building of self-reliance and the engagement in self-help activities, whether alone or in community with others;
(f) the promotion of awareness of parents to cooperate with and support the school system and programmes aimed at the character formation of students;
(g) special consideration and support of the young, aged, the disabled and other vulnerable groups;
(h) the resolution of interpersonal and domestic disputes by peaceful means, such as mediation, reconciliation and otherwise;
(i) the caring and protection of the environment;
(j) the preservation and protection of public property; and
(k) the promotion, establishment and maintenance of community-based organisations.

ARTICLE XXV - Reports

1. The States undertake to submit periodically to the Secretary-General of the Caribbean Community (hereinafter referred to as the “Secretary-General”) for transmission to the Conference of Heads of Government of the Caribbean Community, reports on measures adopted and progress achieved in compliance with the provisions of this Charter.

2. Reports, other than special reports which may be requested by the Conference at any time, shall be submitted every three years on a rotating basis to be determined by the Conference, indicating the factors and difficulties, if any, that affect the implementation of this Charter.

3. In the preparation of their Reports, States shall, in accordance with the provisions of Article XXII, undertake consultation with the social partners, having regard to their crucial role in the attainment of the objectives of this Charter.

4. (1) States shall each establish a National Committee or designate a body to monitor and ensure the implementation of this Charter and that National Committee or body shall comprise:

(a) representatives of the State;
(b) representatives of the other social partners; and
(c) such other persons of high moral character and recognised competence in their respective fields of endeavour.

(2) The National Committee or body, as the case may be, shall review the implementation of this Charter, analysing any problems and difficulties experienced, and receive reports of allegations of breaches of, or non-compliance with, the provisions of this Charter attributed to the State or to one or more social partners. No allegation of breaches or non-compliance may be brought by any individual or entity in relation to a matter which has been adjudicated upon by an international body, the decision of which is binding upon the State.
(3) The National Committee or body shall notify the State or social partner, as the case may be, of the receipt of any allegation and request their comments thereon and the National Committee or body shall report to the Secretary-General on allegations received, together with their comments thereon, including their own views on the matter.

5. (1) The Secretary-General shall submit annually for consideration by the Conference, in accordance with criteria established by the Conference, reports received from the National Committees or bodies pursuant to the provisions of paragraph 4(3) of this Article.

(2) The Secretary-General shall inform the States and their National Committees or bodies of the results of the deliberations of the Conference on reports submitted pursuant to this Article, together with any recommendation emanating from their consideration of reported violations, non-compliance, difficulties or problems experienced in the implementation of this Charter.

6. Allegations of violations or non-compliance shall not impose any obligations on a State to refrain from carrying out any decision of its Courts or other authorities pending consideration under this Article.

ARTICLE XXVI- Implementation

The States declare their resolve to pay due regard to the provisions of this Charter.

ARTICLE XXVII- Saving

Nothing in this Charter shall be interpreted as impairing the provisions of any regional or international agreement to which States are parties.

RESOLUTION

The Conference of Heads of Government of the Caribbean Community at their Eighth Inter-Sessional Meeting:

Reaffirming their confidence in the Caribbean Community as an association of States and Territories bonded by a common heritage and cooperating in the interests of their own peoples;

Being committed to the fundamental principles of human rights and freedoms and conscious that this Charter should enhance the integration process;

Determined to pursue the principles declared in the Charter in response to the challenges of the Twenty-First Century;

Now therefore resolve to adopt this Charter and agree to pay due regard to its principles and to ensure that this Charter receives the widest possible circulation within their respective States and Territories.

Agreed this ...................................... day of ................................ at..........................
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<th>Respondent Details</th>
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Study on the follow up of the UNSVAC Caribbean Region