

**PROGRESS IN THE
CARIBBEAN REGION
ON COMMITMENTS
TO
CHILDREN'S RIGHTS**

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PROGRESS IN THE CARIBBEAN REGION ON COMMITMENTS TO CHILDREN'S RIGHTS

by

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Before launching into a discussion on the topic of this address I wish to thank the CARICOM Secretariat for inviting me to be one of the keynote speakers at this Special Meeting of the Council of Human and Social Development on the subject of children, our most important assets into whose hands the future of our world will be entrusted. This is a fact which very often we tend to forget in our interactions with and treatment of children. We disregard totally the impact our actions and patterns of behaviour have on the psyche and character of those entrusted to our care.

The vehicle which has driven the world's attention towards solving the problems faced by children internationally and which has come to be regarded as a Bill of Rights for children, is the United Nations **Convention on the Rights of the Child**¹ (later to be referred to as "the Convention") and which entered into force on 2nd September, 1990 after the requisite ratifications. Though not

¹ Adopted by the U.N. General Assembly on 20 November, 1989.

automatically enforceable under the domestic law of states embracing the dualist system which requires international treaties ratified by the Executive to be enacted into the domestic law by legislation, (Suriname being the exception) the Convention was ratified by all CARICOM states by 1995.

The years since entry into force of the Convention saw the adoption of two other important United Nations instruments impacting on the well-being of children – **the Millennium Declaration² and A World fit for Children³**

Here in our Caribbean Region over the past ten (10) to twelve (12) years initiatives have been ongoing giving rise to commitments by governments and other agencies to protect and safeguard the rights of our children, beginning in 1996 with the **Belize Commitment to Action for the Rights of the Child**, the **Regional Symposium on Juvenile Justice** in 2000 in Trinidad and Tobago, and a **Special Meeting of the Council of Human and Social Development** held in 2002 which recommended a **Regional Framework for Action for Children’s Rights and Development** with specific targets to be achieved within the period 2003-2006. The time frame for attainment of the goals of this Framework is 2015, a mere seven years hence.

A Regional Task Force on Child Rights and Child Protection was established comprising representatives from member states and civil society as well as development partners with a mandate to, inter alia, ensure a coordinated

² Adopted by the General Assembly in September, 2000.

³ Adopted by the General Assembly under Resolution S-27/2 on 10 May, 2002.

regional approach to effective child protection mechanisms and juvenile justice systems, and provide a forum for interchange of experiences and ideas.

As far as can be ascertained the issues of disciplinary practice, juvenile justice, violence in schools and institutions as well as children affected by migration have been addressed by the Task Force, but there are still several areas of concern still outstanding.

With this background of conferences and symposia several questions arise such as where do the children fit into all this and what are their needs in an adult world? At the Children's Forum of the Belize Conference in 1996 fifty-two (52) children speaking on behalf of the children of the Region formulated several recommendations (a "wish list") pertaining to the following:

- education
- health
- employment
- crime
- rehabilitative punishment
- social issues
- protection from abuse
- breaking communication barriers
- public awareness about the Convention
- after-school training programmes for teenaged parents
- 24-hour "hot lines"
- motivation and building of self-esteem
- participation in recreational events

That list reflected the children's views and opinions on every issue after full discussion, with areas of concern being directed to the relevant authorities – governments and those administering the judicial systems, the security forces,

their parents, and even themselves. Governments were urged to improve education systems and allocate adequate funds to health care while providing opportunities for employment.

Those children expressed the view that those who administered the criminal justice systems needed to display greater sensitivity to their situations and focus on rehabilitation in imposing punishment. The same applied to the security forces who needed to perfect their public relations skills. The message to parents was to break the communication barriers and start to listen to their children. This is intimately connected with the other message to parents to be more responsible and less neglectful of their parental duties. What those children considered of great importance was general awareness of the Convention which in their opinion may avoid violation of their rights by parents, other children or society at large. It is not without significance that governments' action plan in fulfilling the commitments made at that meeting in Belize in 1996 was to "establish or intensify programmes that effectively implement the commitments countries assumed in signing and ratifying the **Convention on the Rights of the Child**" (supra), particularly compliance with **Article 4**.

Having perused the relevant documentation on goals to be achieved and strategies to be adopted I wish to focus on a few issues which in my view are increasingly of concern in our Region, and which should be addressed consistently and not sporadically. This is not meant to detract attention from

other pressing issues such as health care, education and employment of children which are equally important, but just to highlight the following:

- Child abuse including sexual abuse
- Violence in all of its forms
- Child prostitution and pornography
- Teenage pregnancies
- Use of children for drug trafficking and soliciting financial donations
- Absentee fathers and their failure to maintain their children.

In the twin instrument to the Convention born unusually nearly thirteen (13) years later entitled **A World fit for Children** (supra) governments at a special session of the General Assembly of the United Nations on Children reaffirmed their commitment to protect the rights of children by upholding certain principles and objectives, such as putting children first by ensuring that their best interest be of primary consideration, leaving no child behind by removing all forms of discrimination affecting them, and protecting children from harm and exploitation. This latter objective leads me to mention of the **Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and pornography**⁴ which unfortunately to date has been ratified by only two Caribbean states with three others being signatories. Over the years prior to its adoption states parties having become gravely concerned at the increase in international traffic in children and the widespread practice of sex tourism in relation to girl children in particular, agreed to incorporate all such

⁴ Adopted by the U.N. General Assembly on 25 May, 2000.

practices as offences in their criminal justice system, and also to adopt appropriate measures to protect the interests of children who are victims of sexual exploitation.

These commitments were reiterated in **A World fit for Children** (supra) with additional affirmations, such as, identifying and addressing the underlying causes giving rise to trafficking and sexual exploitation of children, and raising awareness of the illegality and harmful consequences of such practices.

Recognising that commitments made by governments at summits and conferences invariably are relegated to the dump heap soon after they are made, follow-up actions and assessment were provided for in that document with specific provisions for developing as a matter of urgency (if possible by the end of 2003) national and, where appropriate, regional action plans with specific time-bound goals and targets in the Plan of Action formulated in the document to create a world fit for children.

ABUSE AND VIOLENCE

Within recent years individually and collectively our states of the Region have been beset with an alarming rise of violent incidents with children being increasingly the victims. The innocence of childhood where their only concerns should be keeping healthy, learning and interacting with their peers in playful encounters, has been replaced by the trauma of dodging bullets (if fortunate enough) and experiencing the constant verbal and physical assaults of adults in hostile environments. Others face the all-too-familiar scourge of deviant sexual

abuse in dysfunctional households – fathers and step-fathers committing acts of incest on trusting and unsuspecting girls and boys of tender years who have been prematurely catapulted into the adult world of sexual activity or are witnesses to daily violent and physical encounters between parents or those in loco parentis. These incidents lead inevitably to children committing acts of physical violence on and sexual experimentation with each other. Lack of parental control or misguided perceptions of the role of a parent leads to children developing character traits which encourage the use of violence as means of settling disputes or survival and coping skills in a world which they perceive to be hostile. As they advance into adolescence they live by the mantra – “get you before you get me”. It is survival of the fittest, and anger always close to the surface erupts on commission of simple acts which are misconceived as provocation or disrespect.

Inevitably this has given rise to a large increase in the number of children and young adults running foul of the law, and being prosecuted for such serious crimes as rape, wounding, manslaughter and murder. As a result the juvenile justice system in some states of our Region become overburdened and understaffed. For the more serious crimes such as rape and murder these young offenders sometimes face trial as adults in adult courts. Most of the legislation pertaining to juveniles in some states is archaic and in need of drastic reform. So too, the support services within the system which needs to be staffed with suitably qualified personnel; also, where appropriate, the utilisation of procedures other than deprivation of liberty should be employed.

As will be mentioned later in the paper, in October 1996 in Belize states in the Region committed themselves to reviewing and revising relevant laws to comply with the Convention, more specifically **Article 3** which provides for treatment of children when detained and their rights in the court system.

In September 2000 at the **Regional Symposium on Juvenile Justice in the Caribbean** (supra) key recommendations for reform were suggested, inter alia, utilisation of measures to divert juveniles from the criminal justice system, and establishment of juvenile family courts or strengthening of existing juvenile courts.

To date, I am informed only three states have embarked on harmonisation of their laws concerning juveniles or undertaking some degree of legal reform. The speed of reform of the juvenile justice system must be accelerated in the best interests of the children of the Region.

DRUG USE AND TRAFFICKING

There is another scourge stalking our communities – the pervasive use of habit-forming drugs and its by-product of trafficking which spawns mules and “swallowers” attracted by lucrative payments for transshipment out of the Region mainly to the metropolises of the developed world. Poverty in the main is the incentive for young men and women taking the risks inherent in embarking on these potentially dangerous enterprises. Rising costs of living and inadequate job opportunities coupled with a misplaced sense of priorities in regulating one’s finances all contribute to the ever-increasing drug trade. In all of this children are

caught in the middle, and are sometimes also utilised as couriers and foot soldiers for drug dealers.

The tentacles of the drug trade have reached into the fabric of every state in the Region spawning the formation of gangs in our communities with rivalry among them resulting in early death of young male adolescents. The proliferation of guns and ammunition which is the Siamese twin of the drug trade is another cause of the early demise of our youths when they fail to conform to the rigid codes within the gangs. In most instances young boys find within a gang the discipline, comfort and understanding which may be absent in their own families. These gangs become their families sometimes with disastrous consequences. Day by day we witness the wanton destruction of young lives cut down in their prime. Urgent concerted action is required at the Regional level to arrest and eradicate this canker from our midst.

I was particularly moved by a news report which I read in a recent edition of a newspaper in Trinidad and Tobago, and which I extracted for its vivid portrayal of what I have just mentioned. It was one woman's plea to save our youths by a graphic display of red paint stained on her clothing and representing the blood of her nation's children being spilt daily. She called on those in authority to pass the necessary legislation to protect the rights of the child. I regard this as serendipitous coming as it did just when I was preparing this paper.

The entire problem of violence in all its forms needs to be addressed collectively by the Heads of Government of the Region maybe through their respective representatives and civil society at a meeting called for that purpose, and solutions found to save the lives of our male adolescents. To do so will be fulfilling the mandate imposed on states parties by **Article 19** of the Convention to take all steps to protect children from all forms of physical or mental violence, injury or abuse. I have learnt that the issue of crime in the Region was discussed at the recent Inter-Sessional Heads of Government Meeting in The Bahamas, and a summit is to be held. It is hoped that the whole problem of violence at all levels will be discussed, and I am of the view that participants should include civil society and NGO's as well.

PROSTITUTION AND PORNOGRAPHY

Equally abhorrent is the growing practice of luring young children mainly girls into prostitution and pornography. The advent of this despicable plague which stalks the world no doubt prompted the adoption of one of the Optional Protocols to the Convention mentioned earlier which entered into force on 18 January, 2002. This canker has found a place in our communities, and our children have fallen prey to the baser instincts of predators and their insatiable desire for filthy lucre. With frequent regularity our girl children are being lured into prostitution even across our borders. Sad to say, parents are sometimes complicit in deals selling their children for financial gain or more despicable, living off the earnings made from prostituting them. Commendably some of the states within our Region have enacted legislation against trafficking in persons, and

those which have not are urged to do so with despatch consistent with **Article 3** of the **Optional Protocol** and **Articles 34 and 35** of the Convention.

The other hideous aspect of sexual abuse of children which has invaded our communities is pornography and titillating sexual practices. I have learnt with horror that this has crept into our school systems where teen-aged school girls and boys indulge in these practices captured on mobile phones which proliferate in classrooms, and are now the medium for spreading pornography. Both parents and teachers (particularly the former) seem to have lost control and authority over children under their care. This too has to be arrested before it becomes the norm in our schools and societies. Ratification and implementation of the **Optional Protocol** on this issue is not an option; it is obligatory and an imperative.

TEEN-AGED PREGNANCIES

The continuous decay of the moral fibre of our societies is also evident in the increasing number of teen-aged pregnancies – children giving birth to children. Every state of our Region has seen the rise of this phenomenon. What do these children who themselves are in need of care and protection have to pass on to their offspring? What values can they inculcate in them? Very often these teen-age girls drop out of school, and enter adult life without completing formal education. They have no skills, and find it difficult to subsist economically being invariably dependent on one or other parent; if not, they find themselves involved in other relationships which lead to the birth of other children,

completing a vicious circle out of which they cannot extricate themselves. Help is needed if they are to re-integrate into society, and in keeping with **Article 24** of the Convention states are obligated to develop preventive health care and guidance through family planning services. If possible, such children should be given the opportunity to resume their education and secure coping skills to enable them to provide financially for themselves (**Article 39**). The next issue follows logically from this one.

ABDICATION OF PARENTAL RESPONSIBILITIES

The large number of female single-headed households in our Region is adequate testimony of the neglect and failure of men in our society to undertake their responsibilities as fathers particularly in visiting relationships. Some women find themselves in the unfortunate position of dependence on more than one putative father for financial support which invariably is never forthcoming. Children particularly boys enter adolescence and adulthood without the guidance, love and care of a father which sometimes forces them into the arms of gang leaders who they regard as father figures. This was an area of concern of the **Committee on the Rights of the Child** which monitors compliance with the Convention in one report from the Region. The **Committee** in examining periodic reports of states parties identifies areas of concern and makes recommendations. Mothers throw up their arms in despair when they can no longer cope with the twin burdens of nurture and discipline thereby leaving adolescents to fend for themselves. The result – a generation of angry young

men, teen-aged female prostitutes, and street children soliciting alms. What a dire prediction of the future of our Region!

One wonders whether the absence of religion in the lives of our children is conditioning their interaction with persons who cross their paths. The tenets of all religions as practised in our part of the world are in large measure based on respect for human life and forgiveness for perceived wrongs. Most young adults live in environments devoid of any religious instructions whatever, and regard life as cheap and disposable. The leaders of all religious institutions need to re-assess their influence on the lives of young adults. A pro-active approach is essential to save our children and appeal to their innate humanity.

In like vein we all look back with nostalgia to the era when children in a village or community were nurtured and reared by all members of that village or community who exercised discipline regardless of the familial relationship to a child. It took that village to raise a child. Such community spirit has disappeared and has been replaced with an attitude of selfishness and individuality, the approach being - mind your own business. Again a recent newspaper report exemplifies graphically the present attitude of parents to community discipline. A man lost his life after scolding two four-year olds (not his children) for breaking two eggs belonging to someone else. A parent of one of the children became so incensed that a quarrel ensued which later resulted in the man being killed by unidentified gunmen who entered his home that night, all over a reprimand given

to two small children. What a senseless loss of life! A re-assessment of this approach is required, and a return to communal responsibility.

The Convention recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (**Article 27**), and the primary responsibility rests on the parents (both of them) to guarantee that right within their capacities and financial capabilities. Fathers have to step up to the plate and face up to their financial responsibilities. Recovering payment of court-ordered child support is a frustrating exercise in every state of the Region. Procedures to facilitate recovery of thousands of dollars owed by defaulting fathers must be a priority of state personnel. This was another area of concern of the **Committee** in reports from a few states in the Region, and recommendations were made to improve the situation.

INCREASING AWARENESS OF THE CONVENTION AND ENSURING IMPLEMENTATION

Among the wishes of the children at the Forum in Belize in 1996 was the promotion of awareness of the Convention among their siblings, parents and teachers in order, as they claim, to make the school and home environment more "child friendly". This is also one of the goals of the **Regional Framework for Action**, and in all of the reports submitted to the **Committee on the Rights of the Child** dissemination and public awareness of the Convention was an area of concern and a recommendation to have this corrected in keeping with **Article 42** of the Convention.

Implementation of the Convention seems to present some difficulties for the states of the Region. I have ascertained that to date only Belize and Jamaica have incorporated the Convention into their domestic law. Guyana by an amendment to its constitution has mandated the executive, legislative, judiciary and all organs of Government to respect and uphold the rights enshrined in international treaties which Guyana has ratified which includes the Convention under discussion.

In the reports examined by the **Committee** one recurring concern was the slow pace of reform of existing legislation as well as the enactment of new legislation to conform with the Convention; invariably recommendations of the **Committee** included a comprehensive review of laws pertaining to children particularly with regard to abuse, violence and neglect.

It is a matter of personal concern that states of the Region are not honouring their reporting obligations upon ratification of the Convention. Only a few have submitted initial reports, and those who have, did so sometimes a decade after ratification; also second and other periodic reports remain outstanding. It does not seem as if the full import of ratification of treaties is appreciated. It carries with it the responsibility to comply with the obligations undertaken under the treaty. Dialogue with states parties who ratify is essential in monitoring compliance with the provisions of a treaty, and this is carried out with the monitoring mechanism established under the treaty, usually a Committee of independent experts elected by the states parties. Submission of

initial and periodic reports by states parties to the **Committee** is the only means whereby it can be ascertained whether a ratifying state is complying with its obligations and implementing the provisions of the treaty. Without examination of these reports the true position of progress being made in implementation cannot be assessed. Ratification therefore becomes meaningless.

If we are serious about improving the status of children in our Region and ensuring that they are raised in a safe and healthy environment free from violence, drugs, abuse and fear we have to hold ourselves accountable by taking seriously our obligations under treaties we ratify, and complying faithfully with their provisions. States should also heed the recommendations made by the **Committee** in its comments on their reports, and seek to give effect to them by positive implementation.

In the **Belize Commitment to Action for the Rights of the Child** (supra) a few of those commitments made by states are paramount:

- generate and sustain the necessary political will to protect child rights;
- set up or strengthen national mechanisms;
- review and revise relevant laws to fully comply with the letter and spirit of the Convention;
- establish mechanisms to enforce laws;
- establish or intensify programmes to effectively implement the commitments assumed when signing and ratifying the Convention.

These reside mainly within the remit of governments, and the first will inform the success of the others. Without the political will nothing can be achieved. Budgetary allocations for implementation of programmes aimed at alleviating poverty, establishing national machinery, revising laws and improving health care, to name a few, have to be consistent and foremost in the hierarchy of priorities.

To date, can all of the states of the Region seriously acknowledge that these commitments have been honoured? Only a few of the states seem to have taken steps to review, revise or enact laws to comply with the Convention although some attempt has been made or is being made in a few others.

The Convention may have been the vehicle which attracted world-wide attention to children's rights, but it is the political will of nations which is the fuel that will propel it to its destinations in the long journey towards ensuring effective social development of our children and their maturity into responsible adults. We must find that political will or all will be lost. We must act now. Time is not on our side. Our children are suffering. Let us heal the wounds and set them on a journey of progress in this twenty-first century thereby creating a Region fit for our children.

The End

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