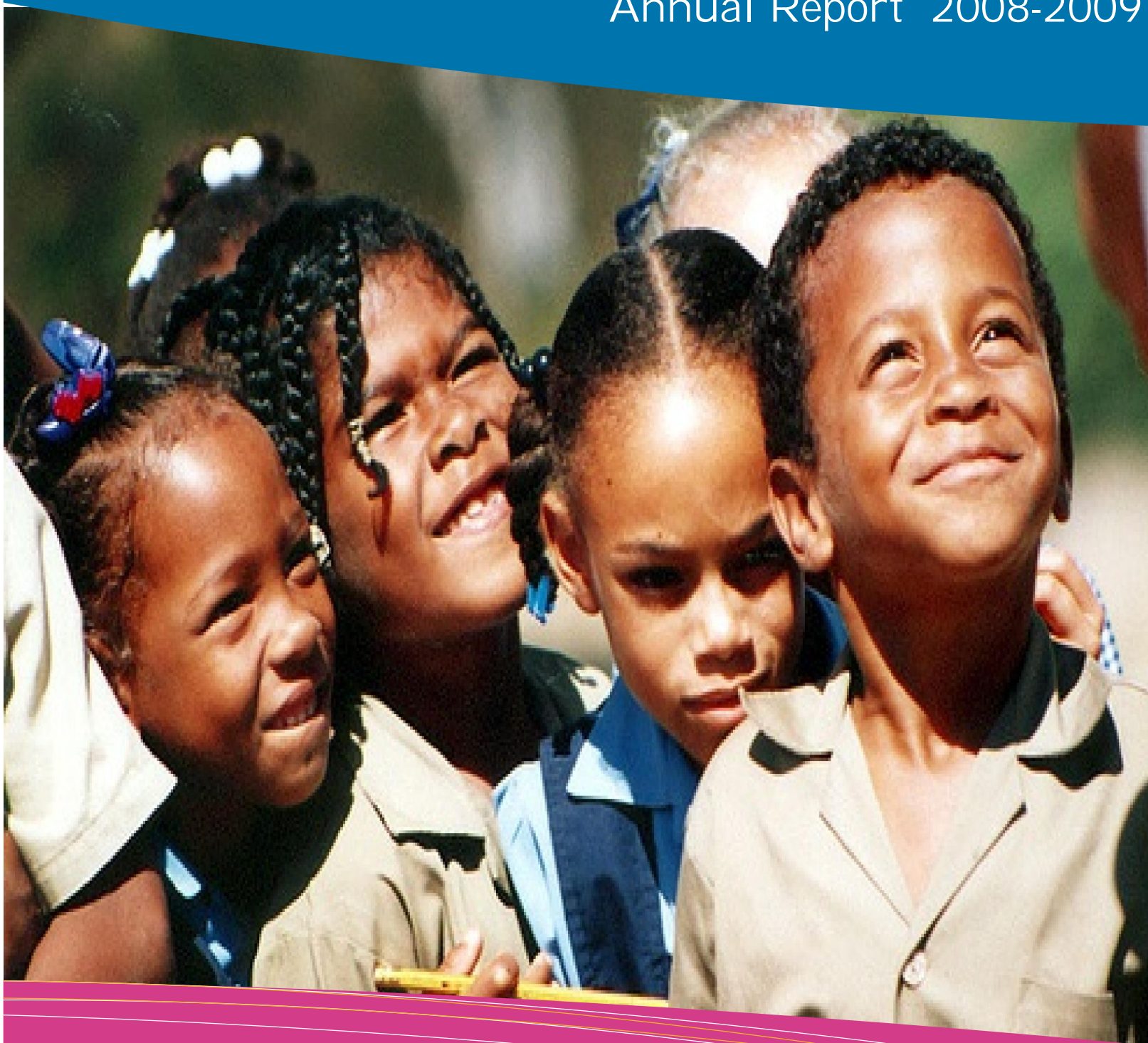


# Office of the Children's Advocate

Annual Report 2008-2009



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## LIST OF ACRONYMS AND ABBREVIATIONS

CDA	Child Development Agency
OCA	Office of the Children's Advocate
OCR	Office of the Children's Registry
UNICEF	United Nations Children's Fund
HPM	Honourable Prime Minister

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## FOREWORD



This third report of the Office of the Children's Advocate (OCA) presents a brief, situation analysis on the status of children in Jamaica in addition to the goals, achievements, and challenges of the OCA for the 2008/09 financial year. It also presents policy recommendations to be considered by the Government as well as recommendations made in previous Reports for which feedback is still needed.

The OCA is pleased with the announcement of the Speaker of the House, Honourable Delroy Chuck in June 2009 that there will be a sub-committee of Parliament to examine this report and reports of other Commissions of Parliament and that the OCA will be required to appear before this sub committee. This move should create opportunities for feedback which is vital for the work of the OCA, a fairly new institution, as it seeks to protect and enforce the rights of children.

The financial year 2008/2009 was a difficult one in many ways for both the children of Jamaica and the Office of the Children's Advocate. There were increases in the number of children murdered as well as in the reports of other violent acts committed against children and in the number of children reported missing.

In August 2008 the office vehicle was written off in an accident and it has not been replaced, thus impeding some of the work of the office. The Children's Advocate wishes to use this medium to thank all those who offered support and who kept the work of the office going in her three months absence while recuperating from injuries sustained in the accident.

Despite these challenges, there were several positive outcomes many of which are reflected in this report. For example, citizen cooperation to report known or suspected child abuse incidents was noteworthy and the Office of the Children's Registry reported a marked increase in reports made to the office.

Additionally, a Task Force on Child Abuse Prevention was established. The OCA commends the Government for setting up this task force which has served to strengthen interagency collaboration and coordination to address the issues of child abuse in a concerted way. Among the positive results emanating from this initiative is the creation of the *Ananda Alert* System to notify the public when a child goes missing and to mobilize all partners in the search for the child.

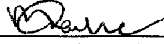
Several initiatives were undertaken by the OCA to enhance the rights of the child and to secure redress, where rights were not upheld and or appeared to be threatened. Significant strides were made with respect to the Child Protection Audit which reviewed current systems and procedures used by various organizations to respond to reports of alleged sexual and physical abuse of children. It is hoped that a Strategic Plan will be developed in the coming year. Similarly, policy recommendations are to be made based on research undertaken by the OCA on the Foster Care Programme in Jamaica.

Continued advocacy on behalf of children of the incarcerated intensified after the violent death of a 10 months old baby whose mother was incarcerated. This has resulted in a decision by the Department of Correctional Services to establish a Unit in its office to give oversight to the children of the incarcerated. Advocacy against corporal punishment and the promotion of positive discipline also contributed to the abolition of corporal punishment in public educational institutions.

The challenges of human resource constraints continued and appreciation is expressed to the Management Development Division of the Government for its cooperation in this area and we hope to receive an increase in the Establishment soon. Two Investigation Officers to travel from Negril Point to Morant Bay to undertake the required investigations is an impossible task.

During the coming Financial Year, the OCA will continue to work to ensure the protection of the rights of children and closely monitor policies and programmes to ensure that consideration of the best interests of children is taken at all times.

Finally, we take this opportunity to express our gratitude to UNICEF for its continued assistance and look forward to future collaboration and cooperation. We also want to recognize the media for continuously highlighting issues related to the rights of children

  
Mary Clarke (Mrs)  
Children's Advocate



## 2. MANDATE

A review of the First Schedule of the CCPA indicated the following mandate of the OCA:

- Keep under review the adequacy and effectiveness of laws and practices relating to the rights and best interests of children.
- Keep under review the adequacy and effectiveness of services provided for children by the relevant authorities.
- Give advice and make recommendations to Parliament or any Minister or relevant authority, on matters concerning the rights or best interests of children. This may be upon the request made by Parliament or other relevant authorities or, as the Children's Advocate considers appropriate.
- Take reasonable steps to ensure that children are aware of the functions and location of the Office of the Children's Advocate. Also ensure that children are made aware of the ways in which they may communicate with the Children's Advocate.
- Take reasonable steps to ensure that the views of children and persons having custody, control or care of children are sought concerning the exercise by the Children's Advocate of her functions.
- The Children's Advocate may provide assistance (including financial assistance) to a child in making a complaint to or against a relevant authority.
- The Children's Advocate may conduct an investigation into a complaint made by a child, his/her parent, guardian, or any other individual who has the child's best interests in mind.
- The Children's Advocate may after consultations with relevant bodies issue guidance on best practice in relation to any matter concerning the rights and best interest of children.
- The Children's Advocate may in any court or tribunal bring proceedings, other than criminal proceedings, involving law or practice concerning the rights and best interests of children.
- The Children's Advocate may intervene in any proceedings before a court or tribunal, involving law or practice concerning the rights and best interests of children.
- The Children's Advocate may in any court or tribunal act as a 'friend of the court' in any proceedings involving law or practice concerning the rights and best interests of children.

# SITUATION ANALYSIS

## INTRODUCTION

There are approximately 932,500 children living in Jamaica accounting for 33.6 percent of the total population.<sup>1</sup>

The promotion and protection of child rights in Jamaica continue to be a priority for the government which along with civil society and International Development Partners have made significant strides in ensuring that Jamaican children are provided for, protected and engaged in decision making. While this is highly commendable, there are many areas which need greater attention. These include education for children with special needs, protection against violence, access to health care, child care institutions and services for children with disabilities.

### 3.1. EDUCATION

Education is one fundamental right that all children should be guaranteed once they are living in Jamaica.<sup>2</sup> The OCA recognizes and commends the work of the Ministry of Education for the efforts made to include all children in the formal education system and to improve the outcome of graduates.

Education plays a vital role in personal development and life choices. Research has shown (Harriott et. al.) that access to education without commensurate outcome motivates some violent crimes.<sup>3</sup> When children are given access to education and the returns are not forthcoming, they create opportunities through criminal means. The reverse is also true for educational attainment in that achieving quality education acts as a deterrent to crime. Hence it is not sufficient to only create access to education but to also create opportunities and improve the quality of education that children receive at school. It is estimated that enrolment at the early childhood level is 99.7 percent, 94.5 at the primary level and 99.4 and 83.6 per cent at the lower (grades 7-9) and upper (grades 10 and 11) secondary levels. The attendance rate has increased for both primary and early childhood sectors from 82.2 to 84.8 percent and 69 to 73 percent in 2005/06 and 2006/7 respectively.

Irrespective of the strides made in education, children with disabilities are still underserved in the education sector. Where children with the major disabilities like sight impairment can be easily detected others with learning abilities such as dyslexia for example are not easily detected. The symptoms of learning disabilities includes delayed language skills, trouble rhyming, habitual mispronunciation, persistent baby talk, difficulty in learning letters in simple words, confusion involving words that sound alike, and difficulty following instructions.

Where a learning disability exists, many times children are stigmatized as being stupid and sometimes punished by teachers for not following or not understanding instructions. The OCA has received reports of children being victims of corporal punishment in schools by teachers as a

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<sup>1</sup> A publication of the Planning Institute of Jamaica

<sup>2</sup> Jamaica ratified the Convention on the Rights of the Child in 1991

<sup>3</sup> Prof. Anthony Harriott at the IDB Conference on Crime and Violence held at Jamaica Conference Centre on January 19-20, 2009.



result of their inability to grasp what is being taught as quickly as others.<sup>4</sup> As such, children should be observed for symptoms of learning disabilities and the relevant tests carried out and treatment given to help them to deal with their disability. The Early Intervention, Screening and Diagnostic Programme for Children and Household being developed by the Early Childhood Commission is welcomed and should be given urgent attention. The screening process must be accompanied by mechanisms to offer adequate services once needs are identified.

In its Annual Report 2007/08, the OCA noted the limited space available to children with disabilities. This problem still exists. Several NGOs which cater to children with disabilities are doing excellent work in this area but many are facing financial problems and are reducing their operations. Commendations must be given to 3D Projects and Rural Services for Children with Disabilities which are merging in an attempt to reduce administrative costs.

Of concern to the OCA is the fact that children of school age are still to be seen playing, begging and selling on the streets and in commercial areas on school days. Although the Section 28 of the CCPA, 2004 requires that **every person having the custody, charge or care of a child between age 4 and sixteen years shall take such step as are necessary to ensure that the child is enrolled at, and attends school**, there are no mechanisms in place to ensure compliance.

### **3.1.1. Violence in Schools**

In spite of all the efforts to combat the problem of violence in school the issue still persists. In fact, the islandwide problem spans across primary, non traditional and traditional high schools.

The OCA acknowledges the government's efforts to implement a metal detector system and the recent addition of 250 such items in schools. While some principals have lauded this exercise and have noted that it serves as a deterrent enabling them to detect weapons at points of entry, there are still reported incidents of violence in schools. Table 3.1 below indicates the number of interventions taken by the School Resource Officers in the Safe School Programme over a four year period. The officers intervened in a total of 3,267 cases including sexual assaults, use of drugs and manifestation of gangs. Fifteen guns were seized in the 2007/8 school year alone and a total of 36 since September 2004. A total of 2,315 other offensive weapons were seized in the same period. The report also indicates an increase in the number of gangs in school.

## **3.2. CHILDREN AND VIOLENCE**

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<sup>4</sup> OCA National Children's Consultation held in 2008.

**Table 3.1. Safe Schools Programme: SRO Intervention for period 2004 - 2008**

Description	Sept.2004- June 2005	Sept.2005- June 2006	Sept.2006- June 2007	Sept.2007- June 2008
<b>Incidents in Which SRO'S intervened</b>	976	1020	1057	1114
<b>Guns Seized</b>	05	05	11	15
<b>Other offensive weapons seized</b>	643	139	730	803
<b>Sexual Assault</b>	-	13	02	02
<b>Drugs Confiscated</b>	42pkts. Ganja	148pkts.Ganja	29pkts.Ganja	50pkts.Ganja
<b>Gangs in schools</b>	10	07	14	17
<b>Arrests</b>	59	44	64	69

Data taken from Safe School Programme Secretariat at the Ministry of National Security

### 3.2.1. Children as Victims

Violence affects children in Jamaica at different sectors of the society and in different ways. Far too many children continue to be victims, perpetrators and witnesses of violent acts in their home, institutions and in their communities. The creation of the Office of the Children's Registry has resulting in more cases of neglect and child abuse being reported.

It is noted in table 3.2.1 that the Children's Registry has seen a significant increase in the number of reports of abuse against children during 2008 when compared to the pervious year. The agency recorded a total of 6774 cases in 2008 compared to the 496 cases recorded in 2007. The reported cases for emotional abuse is very low compared to the other forms of abuse. This form of abuse is less easily recognized and often times, the perpetrator does not consider it to be a form of abuse.

**Table 3.2.1: Numbers of Reported Incidents of Child Abuse and other Children's issues received by the OCR by Type & Year**

Type of Abuse	2007	2008
Physical Abuse	122	992
Sexual Abuse	114	825
Emotional Abuse	36	232
Neglect	81	1607
<b>Sub total</b>	<b>353</b>	<b>3656</b>
<b>Other Issues</b>		
Behavioural Problem	39	1378
In need of Care & Protection	104	1940
<b>Total</b>	<b>496</b>	<b>6774</b>

Source: Office of the Children's Registry Fact Sheet May 2009

In Jamaica, one study conducted in the inner city found that 60 per cent of children 9 -17 years old reported that a family member had been a victim of violence, while 37 per cent had a family member who had been killed.<sup>5</sup> The author also used data from other studies which showed that only 28 per cent of children thought that their home and neighborhoods were very safe and 33 per cent was afraid of somebody in their yard or community. This perception of violence can have negative impact on children.

There have been media reports of children running away from home because they are afraid of a member of their household.

The studies also identified certain groups of children who were at heightened risk of being victims of violence in their community. Among these are those who dropped out of school or who did not attend school regularly, street children and working children.

This is an indication of the need for greater enforcement of the law which requires mandatory school attendance for children age four to 16 years old and the prohibition of child labour.

Table 3.2.1 shows offences against children over a nine year period. It is noted that the murder (94), rape (449) and carnal abuse (462) of children are highest in 2008. In 2008, the police received a total of 1571 reports of offences against children, a decrease from 1775 in 2007 caused mainly by the low numbers of abduction the police recorded in 2008<sup>6</sup>.

**Table 3.2.2: Offences against Children between the ages of 0-15 for years 2000 to 2004 and 0-17 for years 2005 to 2008**

<b>Offences</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008*</b>	<b>Total</b>
<i>Murder</i>	5	13	17	13	16	89	65	70	94	<b>382</b>
<i>Shooting</i>	20	33	33	37	42	75	19	71	62	<b>392</b>
<i>Rape</i>	147	303	326	360	358	382	351	348	449	<b>3024</b>
<i>Carnal Abuse</i>	434	306	270	377	409	346	434	427	462	<b>3465</b>
<i>Wounding</i>	20	28	20	34	40	258	194	245	156	<b>995</b>
<i>Assault</i>	58	38	48	52	55	525	327	409	315	<b>1827</b>
<i>Abduction</i>	11	7	10	19	39	45	38	200	33	<b>402</b>
<i>Abandoning Child</i>	8	0	1	1	1	4	2	5	0	<b>22</b>
<b>Total</b>	<b>703</b>	<b>728</b>	<b>725</b>	<b>893</b>	<b>960</b>	<b>1724</b>	<b>1430</b>	<b>1775</b>	<b>1571</b>	<b>10509</b>

Sources: Corporate Planning and Research Unit, Jamaica Constabulary Force. \*Provisional Figures.

Data collected from nine hospitals across Jamaica indicate that many children are being treated at accident and emergency centres for violent related injuries (VRIs). Table 3.2.3 indicates that

<sup>5</sup> Cited in Meeks-Gardener et. al. (2007) Promoting Child Rights Through Research: Selected Papers from the Caribbean Child Research Conference 2006, Vol. 1.

<sup>6</sup> The 2008 figures reported are provisional figures.

534 children under 10 years were treated in these centres. A total of 3529 (28.7 per cent) children and adolescents were treated.

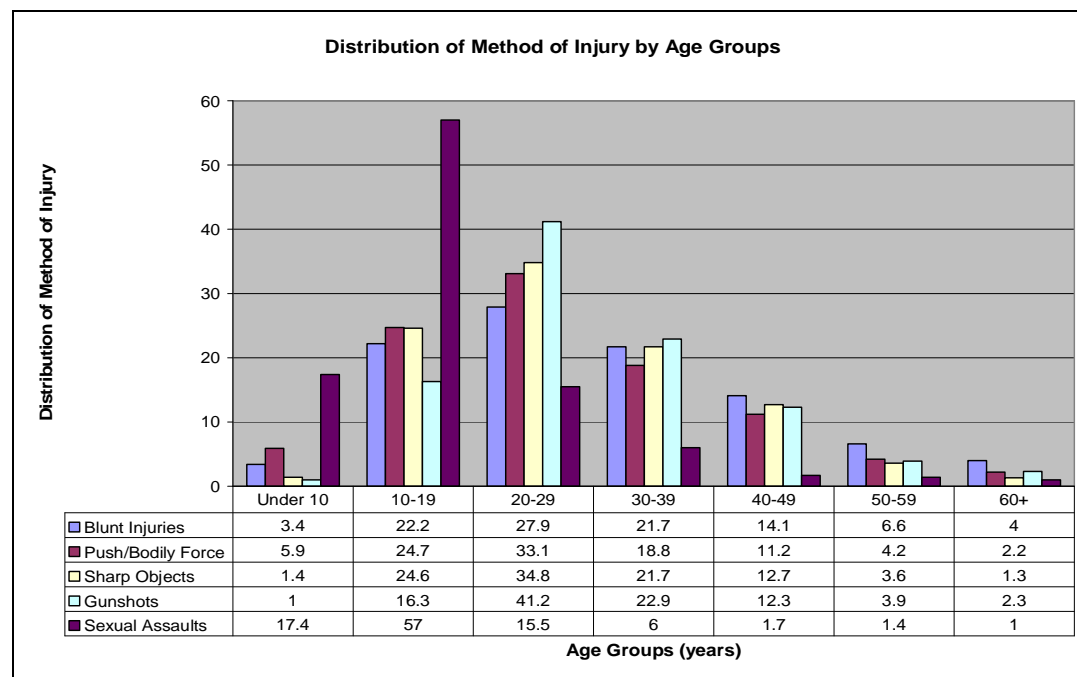
**Table 3.2.3: Distribution of Age by Gender of Patients seen at the Accident and Emergency Centres**

Age	Gender					
	Male		Female		Total	
	n	%	N	%	N	%
Under 10	310	3.7	224	3.9	534	3.8
10-19	1803	21.6	1726	29.7	3529	24.9
20-29	2511	30.1	1979	34	4490	31.7
30-39	1786	21.4	1110	19.1	2896	20.4
40-49	1183	14.2	561	9.7	1744	12.3
50-59	510	6.1	151	2.6	661	4.7
60+	260	3.1	78	1.4	338	2.4
Total	8363		5829		14192	

Source: MOH, JISS, 2007

Figure 3.2.1 highlights that sexual assault was the most common reason for children and adolescents being taken to the hospitals. Of all the sexual assault cases, children under 10 accounted for 17.4 per cent and these between the ages of 10 and 19 accounted for 57 per cent.

**Figure 3.2.1: Distribution of Method of Injury by Age**



Source: MOH, JISS, 2007

The statistics demonstrate that victims of violent related injuries are most times familiar with their perpetrators. Table 3.2.4 indicates that only 18.2 per cent of all the injuries seen at the major hospitals were done by strangers, 3.6 per cent unknown and 1.8 per cent legal/official. The majority (42.4 per cent) however was done by acquaintances.

**Table 3.2.4: Distribution of Victim – Perpetrator Relationship by Gender**

Victim Perpetrator Relationship	Gender					
	Male		Female		Total	
	n	%	n	%	N	%
Intimate Partner	649	9.3	1549	31.3	2198	18.5
Relative	748	10.8	646	13.1	1394	11.7
Friend	289	4.2	196	4.0	485	4.1
Acquaintance	3319	47.6	1740	35.1	5059	42.4
Stranger	1474	21.2	689	13.9	2163	18.2
Other – Official, Legal	167	2.4	46	1.0	213	1.8
Unknown	334	4.8	90	1.9	424	3.6
Total	6980		4956		11936	

Source: JISS 2007

The OCA is concerned with the level of violence meted out at our children from persons who are to be protecting children. The report compared victim-perpetrator relationship in order to show that children are being injured violently by family members and acquaintances. Table 3.2.4 shows the relationship.

Benjamin et. al. sighted in Meeks-Gardener et. al. (2007) identify risk factors for child abuse and neglect as not living with both parents; the loss of one or both parents (for example through family separation or migration); not sharing social activities with parents; parental mental health problems; and parental drug and alcohol abuse.

There is some evidence from the Caribbean that not attending or dropping out of school; being put into institutional care; living on the street; child labour<sup>7</sup>; and involvement in violence in adolescence<sup>8</sup> are also risk factors. Meeks-Gardener et. al. (2007) noted that there was no known longitudinal study or retrospective study which examined the association between child abuse and neglect and adult functioning.

The disquieting issue of children going missing has received extensive public attention for the past year as a result of the frequency with which these incidents took place and the media coverage received.

Statistics from the Constabulary Communication Network indicate that in 2008, 1,446 people went missing, 960 of whom were children. Of these, seven were found murdered and 181 have

<sup>7</sup> Cabral and Speek-Warner cited in Meeks-Gardener et. al. (2007) Promoting Child Rights Through Research: Selected Papers from the Caribbean Child Research Conference 2006, Vol. 1.

<sup>8</sup> Meeks-Gardener et. al. in Meeks-Gardener et. al. (2007) Promoting Child Rights Through Research: Selected Papers from the Caribbean Child Research Conference 2006, Vol. 1.

not been found. The JCF statistics show that since 2003, police have solved less than half of the murders involving children.<sup>9</sup>

A Detective Corporal at the Centre for Investigation of Sexual Offences and Child Abuse (CISOCA) was cited in the Jamaica Observer newspaper in an interview noting that some of the girls were lured into having sexual encounters with older men. "We cannot put a number on it, but a good portion of them who came back, it had something to do with sex," Hepburn said, which the police further indicated that bus drivers, conductors and route taxi operators are among the main offenders.

The Nation Investigation Bureau further advanced several reasons for children going missing. These include being kidnapped for ransom or females abducted for sexual exploitation; mental and physical abuse by parents; involvement in criminal activities and or becoming members of gangs; teenage pregnancy and peer pressure.

The OCA commends the JCF for the establishment of the Missing Person Policy in January 2006 as a means of effectively capturing and recording information on persons who are missing. Recognition is also in order for the Office of the Prime Minister which established a multi sectoral Taskforce for the Prevention of Child Abuse in October 2008 on which the OCA is represented. The objectives of the Taskforce are:

1. to examine the increasing incidents of violence against children;
2. to identify the capabilities and gaps of the current child protection system;
3. to coordinate and improve Interagency collaboration.

It is very important that the Ananda Alert System, an initiative of the Prime Minister's Taskforce on Child Abuse Prevention becomes fully operational. This initiative is to become Jamaica's child recovery strategy which is borne out of a deep-seated need for a national Plan of Action identified by the Department of Local Government and the Local Authorities, to stem what is a devastating and frightening phenomenon of disappearance, abuse and murder of our nation's children with wider impacts on families and communities.

Children continue to be **affected by fire** for various reasons. Table 3.2.5 shows that a total of 682 children were made homeless as a result of fire in 2008 compared to 798 for the previous year. Eight children died as a result of fire in 2008, two more than the previous year. Urgent attention must be given to the fact that since 2006 a total 2,434 children have been affected by fire. **More public education programmes on safety in the homes, communities and on the streets is needed.**

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<sup>9</sup> Richard, Peter, Jamaica: Brutal Killing put focus on Child protection <http://ipsnews.net/news.asp?idnews=44395>



**Table 3.2.5: Children Affected by Fire over Three Years**

<b>YEARS</b>	<b>DEATHS</b>	<b>INJURIES</b>	<b>HOMELESS</b>	<b>TOTAL</b>
2006	18	12	881	<b>911</b>
2007	6	11	798	<b>815</b>
Up to October 2008	8	18	682	<b>708</b>
<b>Total</b>	<b>32</b>	<b>41</b>	<b>2361</b>	<b>2434</b>

Adopted from Jamaica Constabulary Force.

### **3.2.2. Children as Perpetrators**

Children are also offenders and are admitted in correctional institutions for various reasons. Table 3.2.2.1 shows the admission of children into such institutions by offence, age and sex in 2008. For the period, a total of 226 children were admitted for mainly criminal reasons. The main perpetrators were males who accounted for 218 (96.5 per cent) of all children admitted.

**Table: 3.2.2.1 Admission into Juvenile Institutions by Offence, Age and Sex, 2008**

OFFENCES									
	Under 13 years	13	14	15	16	17	Total Male	Total Female	Grand Total
Murder	0	0	0	0	0	0	0	0	0
Wounding	0	1	1	4	7	8	21	0	21
Larceny	0	2	2	3	4	5	16	0	16
Possession of offensive weapon	1	1	1	6	0	0	9	0	9
Shop/house breaking and Larceny	0	2	2	1	9	7	21	0	21
Breach of Probation Order	0	2	1	1	7	5	16		16
Dangerous Drugs	0	1	2	2	3	4	12		12
Assault	0		1	4	4	7	16		16
Sexual Offences (others)	0	0	2	2	1	0	5		5
Rape	0	0	0	0	0	2	2		2
Malicious Destruction of Property	0	0	1	2	2	4	9		9
Robbery	0	1	1	2	3	4	11		11
Illegal Possession of Firearm	0	0	3	1	4	9	17		17
Uncontrollable	0	3	4	13	12	7	32	7	39
Variation of Fit Person Order	0	0	2	2	2	1	7		7
Care and Protection	0	0	0	3	1	1	5		5
Traffic Offences	0	0	0	1	0	2	3		3
Receiving Stolen Property	0	0	0	0	1	1	2		2
Others	0		1	6	3	5	14	1	15
<b>TOTAL</b>	<b>1</b>	<b>13</b>	<b>24</b>	<b>53</b>	<b>63</b>	<b>72</b>	<b>218</b>	<b>8</b>	<b>226</b>

Data received from Policy and Research, Department of Correctional Services

Of special mention are the reasons for which children appeared before the court and the number of children who went before the court for criminal reasons. A total of 3,411 children went before the court in 2008 of this amount 300 went for wounding and 207 went for possession of dangerous drugs. Thirty nine of those children were admitted for uncontrollable behaviour. **In its recommendation in previous years, the OCA requested that a clear definition of uncontrollable behaviour be provided and that children admitted for care and protection, uncontrollable behaviour and perpetrator of criminal activities be separated. (See Annual Report 2007/8).**

A cause for concern is the increasing incidence of crime being committed by children. A World Bank report of 2003 noted that adolescent 13-19 years were responsible for a quarter of major crimes including armed robbery, assault, rape and murder with males being the main perpetrators.

It is worth noting that the youth<sup>10</sup> in one study viewed violence as useful for survival and social mobility, and that youth showed little faith in the efficacy of justice, law and order.<sup>11</sup>

The social exclusion of this at risk group has been reported on by many researchers and has been characterized by limited educational and employment opportunities, an inability to influence decisions made both at the community and national levels, and a feeling of powerlessness.

The OCA wishes to highlight the protective factors<sup>12</sup> as identified in the study. These include school connectedness (liking school and getting along with teachers), family connectedness (feeling cared for by parents and other family members, being paid attention to, and being understood) and religion (attending church and religiosity). There has to be a concerted effort by all to empower the children and youth in Jamaica and to build on these resilient factors.

### **3.2.3. Children as Witnesses**

The OCA is concerned with the extent to which children are exposed to violent crimes and the ways in which they experience these criminal acts being committed. Likewise, having children housed in adult lock-ups is a risk factor for more exposure to violence and there is a high probability that they may become victims of violence in terms of physical, emotional and sexual abuse. It must be noted too that children are exposed to these in correctional institutions for children and childcare facilities.<sup>13</sup>

Children also witness violent crime at home, in their community, at school and in the media. This has serious psychological effects on them and if not detected and treated, can continue into their adult life. The damage suffered may take various forms, however; the most common include low self esteem, an impaired capacity to enjoy life, learning problem, withdrawal and regressive behaviour.<sup>14</sup>

In a study of the effects of violence on children in the United Kingdom, Harvard Medical School researchers found that young teens who witnessed gun violence were more than twice as likely as non-witnesses to commit violent crime themselves in the following years.<sup>15</sup> It is therefore

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<sup>10</sup> There is a age overlap between youth (15-14 years) and children (under 18 years)

<sup>11</sup> Meeks-Gardener et. al. (2006) Violence against children in the Caribbean

<sup>12</sup> These are factors contributing to children's resilience and ability to resist anti-social behaviour.

<sup>13</sup> Meeks-Gardener, et. al. Violence Against Children in the Caribbean, Paper prepared for Caribbean Child Research Conference 2006

<sup>14</sup> Finkelhor, A in Morgan, J et. al.(1992) Child Victim: Crime, Impact and Criminal Justice, Oxford University Press.

<sup>15</sup> Medical News Today, May 27, 2005 *Children who witness gun crime more likely to commit violent crime* retrieved from <http://www.medicalnewstoday.com/articles/25174.php>

necessary to provide interventions for children who are witnesses of violent crimes to prevent any such occurrences.

### **3.2.4. Street Children and Child Labour**

Children in Jamaica continue to be on and of the street. ‘Street children’ are a large and ill-defined category of children. Since the 1980s, analysts have drawn a distinction between children *on* the street and children *of* the street. A relatively small proportion, less than 10 percent, of those visible on the streets have actually adopted the street as their habitat. This group is normally characterized by the term ‘street children’; although the term can be used negatively, it is also used by many children and their representative organizations, sometimes with considerable pride.

These children can be seen on the streets in the corporate area and rural towns selling, cleaning windscreen and dodging motor vehicles on the road and just on the street unoccupied. The age range varies from very small to much older and the younger children are at even greater risk.

The OCA lauds the many NGOs for their invaluable support to these children. Of special mention are the Young Men Christian Association (YMCA) and Children First in St. Catherine. They currently run Prevention, Rehabilitation and Re-socialization programmes which seek to keep children off the streets.

According to the head of the YMCA,<sup>16</sup> the boys in the programme have serious behavioural problems and 75 percent of the boys’ literacy levels are below level 1. They have low self-esteem and were emotionally, physically, and verbally abused and have serious food and nutrition problem. The boys’ ages range from 12 – 15 years. Most of them are from the inner-city.

Children at risk for child labour and becoming street children include:

- Ø those without parental supervision/control;
- Ø those that skip school because of peer pressure;
- Ø those from single parent household with many children;
- Ø those who leave home to seek better life or sent out by parents to find help;
- Ø those who do not want to deal with the harsh treatment at home; and
- Ø those who are just disrespectful and want to leave.

In spite of efforts by relevant authorities to get these children off the street, many return to the streets. Several of these children are still denied access to the Programme for Advancement Through Health and Education (PATH) benefits because they are not in families/homes.

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<sup>16</sup> Interview with Mrs. Sarah Newland-Martin, YMCA on April 1, 2009

### **3.2.5 Transportation System**

There have been reports of various problems associated with public transportation as it relates to the rights of the child. The OCA received approximately five reports of inappropriate music and videos being played in public passenger vehicles for the period under review. In this regard, the OCA commends the Jamaica Constabulary Force and the Transport Authority for several spot checks done and the removal of tints from public passenger vehicles which were in contravention of the law.

In addition, the OCA was made aware of problems in the Half Way Tree Transportation Centre. It was reported that during peak hours, it is increasingly difficult to manage the centre as students are loitering in the centre and many are disrespectful and disruptive. It was also reported that some students stayed at the centre during school hours. This concern was discussed with the Ministry of National Security in March (refer to section 4.5).

## **3.3. HEALTH CARE**

There was improved access in public health facilities during the period under review. This is as a result of the removal of user fees in all public health facilities with effect from April 1, 2008. While there was improved access there were other challenges in relation to breast feeding, children living with HIV/AIDS and disabilities, and environmental health.

In the area of breastfeeding, data from the MOHE<sup>17</sup> indicate that less than half (43.1 per cent) of the six weeks old babies visiting public clinic were exclusively breast fed. This remains well below the Ministry's target of 60 per cent exclusive breast feeding at six weeks.

Data from the Ministry also shows that the 10 to 19 age group accounted for 22.4 per cent of antenatal and 19.8 per cent of postnatal visits at the island's public health centres between January and December 2008. This remains a national concern as too many children are having babies irrespective of the laws and programmes that exists. This also have negative implications for parenting.

The Women's Centre of Jamaica through its Programme for Adolescent Mothers enrolled 1,559 teen mothers in 2007-2008. Of this number 863 were new students. Table 3.3.1 shows the age distribution of girls enrolled at the Women's Centre in the 2007-08 period. The majority (34.8 per cent) were age 16. A total of 58 girls enrolled were age 11 to 13 years.

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<sup>17</sup> PIOJ, ESSJ, 2008

**Table 3.3.1: Age Distribution of Girls enrolled at Women's Centre in 2007-08**

Age	Total	Percentage
11	1	0.1
12	7	0.8
13	50	5.8
14	140	16.2
15	274	31.7
16	300	34.8
17	91	10.5
<b>Total</b>	<b>863</b>	<b>100</b>

Adopted from Women's Centre of Jamaica Annual Report 2007 – 2008

Data from the MOH<sup>18</sup> show that Infant Mortality Rate (per 1000 live birth) has remained unchanged from 2002 to 2006 at 19.9. The PIOJ (2008)<sup>19</sup> indicated that there has been a marked decrease in 2007 at 16.7. There are still concerns about the way in which data are reported for children. The grouping (for example 10-19) of the data does not allow for separation of the child cohort and as such presents a challenge for evidence-based planning, programming, implementation, monitoring, policy development and advocacy.

### 3.3.1. Children and HIV/AIDS

Over the years, Jamaica has made significant strides in combating the HIV/AIDS epidemic through public education initiatives on prevention and improved access to antiretroviral medication. Statistics have shown that in general, the HIV/AIDS epidemic in Jamaica has trended downwards since 2004.

However, the MOHE National HIV/STI Programme Epidemic update for January to June 2009 further revealed that between January and June 2008, a total of 19 new paediatric AIDS cases (children 0 to 9 years old) were reported, compared to 13 cases between January and June 2007. This represents a 46 percent increase over the corresponding period in 2007 and may be attributed to increased surveillance.

There are a number of risk factors which contribute to the spread of HIV/AIDS among children and adolescents. These include forced sexual encounters often times at the hands of older males who continue to believe in sexual myths relating to sexually transmitted infections and diseases. Data from the Statistical Unit of the Jamaica Constabulary Force indicate that among the child population there were 422 reported cases of rape and 462 cases of carnal abuse in 2008. While the report did not reveal whether or not any of the victims contracted HIV as a result, it presents a clear indication of the danger to which Jamaican children are exposed.

Research also shows that the age of early sexual initiation is lowering and sexually active children are less likely to use contraception, one of which is the condom which would lessen their chances of contracting STIs, including HIV/AIDS. According to the Situational Analysis on

<sup>18</sup> Ministry of Health Clinical Summary Report (2007) Kingston

<sup>19</sup> Planning Institute of Jamaica (2008) Economic and Social Survey of Jamaica, 2007, Kingston Jamaica.



Gender Disparities in Jamaica 2007 Update prepared by UNICEF, a survey conducted among young persons revealed that the mean age of sexual initiation among adolescents were 15.2 for girls and 13.9 for males with approximately 31 percent and 17 percent respectively noted that they did not use contraception with their last sexual partner.

The problems experienced by children and their families affected by HIV/AIDS are acute and varied, ranging from extreme psychological distress to economic hardship and increased risk of discrimination and abuse. Children from HIV affected families are themselves challenged because their education are often disrupted as they may be withdrawn from school, suffer from inadequate adult supervision and at times have to care for their ailing relatives.

There continues to be challenges as it relates to discrimination and stigma being meted out to persons infected and affected by HIV/AIDS. This further affects programming and presents a barrier in reaching those in need.

### **3.3.2. Children with Disabilities**

The World Health Organization (WHO) defines a disability as any restriction or lack of (resulting from an impairment) ability to perform an activity in the manner within the range considered normal for a human being. There is no recent data available for Jamaica on the population of persons with disabilities, however, the WHO estimates that approximately 10 per cent of a given population will manifest some form of disability.

The practitioners have found that children with disabilities maybe discriminated against, overprotected by parents or neglected.<sup>20</sup> In the latter case, the child's problems may reach a crisis stage, where the family can no longer deal with the challenges posed by the disability. This usually occurs in situations where the child and his or her family does not have access to the appropriate rehabilitative services in the early stages nor was the parents adequately equipped to properly care for the child. Many times parents who find themselves in this situation resort to placing their children in institutions.

**The OCA, in its 2007/08 Annual Report, highlighted the fact that the existing data on children with disabilities is outdated and is renewing its call for more up to date data on this vulnerable group so that appropriate measures can be put in place to better provide and cater to the needs of these children in keeping with their rights.**

Investigations have indicated that this population is underserved especially in the area of education. The Government's provision for children with disabilities includes the Early Stimulation Project of the Ministry of Labour and Social Security, the Ministry of Education Special Education Unit and the Mico Child Assessment and Research in Education Centre. There is also a programme to integrate them into regular schools. However, the NGOs which currently serve a large percent of these children and their families especially in rural communities are faced with severe resource constraints.

### **3.3.3 Environmental Health**

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<sup>20</sup> Bean, Gerlin and Thorburn, Marigold in Mobilizing Parent of Children with Disabilities retrieved from <http://www.aifo.it/english/resources/online/books/cbr/innovations/8jamaica.pdf> on July 30, 2009.

The WHO states that environmental health addresses all the physical, chemical, and biological factors external to a person, and all the related factors impacting behaviours. It encompasses the assessment and control of those environmental factors that can potentially affect health. It is targeted towards preventing disease and creating health-supportive environments. The OCA through its work with the Caribbean Poison Information Network recognizes the significant negative implications of chemicals on children. As such, the Office has participated in several public education activities promoting safety in the home.

Accidental poisoning is defined as any case of poisoning considered to have occurred unintentionally. This excludes food poisoning. Data from the Ministry of Health Surveillance Unit shows that in 2008, 639 confirmed cases of accidental poisoning were reported to the Surveillance Unit, Ministry of Health compared to 495 in 2007. There were also two deaths reported in 2008, one from Gramaxone in a 65 year-old male, and the other from rat poison in a two year old male. Of the 639 cases, 54 percent were male, while 44 percent were female. The data indicates that children under five are most affected as 504 (79%) of accidental poisoning cases occurred in children under five years of age. Four hundred and four or 63 percent of the cases reported involved children aged two years and under.

Similarly, the OCA is alarmed by the number of children being suspected of having high levels of lead in their blood and is urging the government to give serious consideration to further investigation and intervention into the matter. Lead is a naturally occurring metal used in construction materials, batteries and also found in some paints as well as on some toys. Unsafe levels of lead in children's blood can lead to a wide range of symptoms, from headaches and stomach pains to behavioral problems and anemia. Lead can also affect a child's brain development. A meeting was held in April 2008 to discuss this concern (refer to OCA Annual Report 2007/8).

### **3.4. CHILDREN AND POVERTY**

The incidence of poverty worldwide is a major concern for many and a challenge for governments and policy makers. It is estimated that 3 billion people; half of the world's population are poor. The situation is particularly critical in developing countries where the majority of the poor live. People living in poverty face lasting obstacles that keep them from attaining their most basic human rights and individual potentials<sup>21</sup> (UNICEF, 2004). They often lack adequate food, shelter, access to education and healthcare, protection from violence, and a voice in what happens in their communities. They live from day to day and in constant fear of the future (UNICEF, 2004, 2005a). Poverty depletes families' economic, physical, and psychological resources, drains their coping abilities, and exhausts their social support networks (Ashiabi, 2000). In short, it inhibits families' and communities' ability to care for themselves and their children.

Children are considered among the most vulnerable groups in society. They are the ones who are most impacted by poverty resulting from unsustainable development. The Government of

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<sup>21</sup> UNICEF (2004). The state of the world's children 2005. New York: UNICEF

Jamaica (GOJ) should be commended for its various initiatives which have lead to a decline in the incidence of poverty. However, almost one out of every two Jamaicans who live in poverty is a child while only 37 per cent of Jamaicans are children.<sup>22</sup> While children are given a high priority in the development of national policies and plans, resource allocations are not commensurate with objectives.

Children are disproportionately poor and with the current economic crisis this will worsen thus the need for targeted programmes and interventions for children at risk of falling below the poverty line. To this end, the OCA is recommending that **the conditions that guide the selection and retention of candidates on PATH needs to be reviewed because while it is recognized as a redevelopment tool, children who are too poor to go to school should not further suffer and loose their benefits.** It must also seek to include children not living in families and children in non-traditional schools such as the Young Men/Women Christian Association (YMCA and YWCA).

### 3.5. CHILDREN IN INSTITUTIONS

The GOJ continues to manage and regulate public and private facilities which care for wards and house children who are in conflict with the law. While there have been efforts to improve the lives of these children, there are several challenges especially in how the operations of these institutions are carried out, which prevent many of the nation's children from achieving the full attainment of their rights.

#### 3.5.1. Children in Correctional Institutions and on Remand

Inadequate space, staffing and programmes provided for the large number of children who are being given correctional orders continue to be a concern of the OCA. Some of these children are placed in adult correctional centres which were not built for children and as such do not meet the needs of the children.<sup>23</sup> Additionally children in need of care and protection, those deemed uncontrollable, those in conflict with the law and those with different needs are often kept in the same holding areas (Refer to OCA's Annual Report 2007/8). These children are also faced with additional challenges such as the inability to continue their education and insufficient counseling and health care services.

These facilities are also inadequately staffed as there are few specialists such as Psychologists and Psychiatrists and other trained individuals on the establishment. **From reports received by the OCA, there is also a need for the development and implementation of appropriate behaviour modification strategies for the children in state care.**

There is still no designated remand centre for girls resulting in the inability to classify, categorize and place girls according to their special situations and needs. As of January 2008, the female juvenile population was 92. The capacity at the Armadale Correction Institution for children is

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<sup>22</sup> UNICEF, State of the World's Children, 2008

<sup>23</sup> OCA Annual Report 2007/8

45 which meant that girls had to be housed at the Horizon and Fort Augusta Adult Correctional Centre.

### **3.5.2. Children of the Incarcerated**

Another area of grave concern which needs urgent attention is the issue of children whose parents, especially mothers are incarcerated. In a research commissioned by the PIOJ in 2005 it was posited that there is a link between intergenerational poverty and crime.<sup>24</sup> The majority (86.7 per cent) of the inmates at the Fort Augusta Correctional Centre was incarcerated because of drug offence and the main reason (85.7 per cent) given was linked to economic deprivation. It was noted that 44 per cent of the inmates were head of households at the time of their arrest.

This phenomenon has severe negative implications on the children. The study shows that as much as 54 per cent of the inmates reported that their children cried and were emotionally distressed when they learnt about their arrest. Subsequently, the children's school work was adversely affected because they felt ashamed which inevitably affected their self esteem.

Two social workers have reported on their experiences working with children whose parents are incarcerated. It was highlighted that boys grew up with a distorted view of what a 'man' is when they are abandoned by their parents due to incarceration, which inevitably lead to deviant behaviour.<sup>25</sup> Additionally, some boys take on the role of 'bad man' in order to join their fathers or uncles in prison. This currently happens in Spanish Town.<sup>26</sup> The other made reference to a girl who had to go into prostitution to support her five siblings and herself as a result of her parent being sent to prison.

It therefore becomes necessary for immediate intervention to counteract the negative impact of incarceration of parents on children. Although the CCPA, 2004 gives biological parents the primary responsibility for the rearing of children; it is recommended that the State put mechanisms in place to deal with children when their parents/guardians are incarcerated.

**The observation and recommendations reflected in the Annual Report 2007/8 are still to be addressed.**

### **3.5.3. Children in Care of the State**

At the end of December 2008, children in state care numbered 6,213<sup>27</sup>; of which 55 per cent were in the Living in Family Environment (LIFE) placement including foster care, Home on Trial, and Home on Supervision Order. The remaining children are in the over 50 Government and private children's homes and places of safety.

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<sup>24</sup> Henry-Lee, Aldrie (2005) *Women in Prison*, Planning Institute of Jamaica

<sup>25</sup> Omar Lamey, Youth Opportunity Unlimited in an interview with the Jamaica Observer

<sup>26</sup> Claudette Pious, Children First in an interview with the Jamaica Observer

<sup>27</sup> PIOJ (2009) ESSJ 2008; Kingston Jamaica

Table 3.5.1 shows the figures at the end of March, 2009 which indicates that the State had 19 children less in its care than the previous period. Of note is the fact that South East Region<sup>28</sup> had over half (3135) of the children in care.

**Table 3.5.1: Children in Care and Protection System as at March 31, 2009**

<b>Region</b>	<b>Foster Care</b>	<b>Home On Trial</b>	<b>Children's Home</b>	<b>Places of Safety</b>	<b>Supervision Order</b>	<b>Other</b>	<b>Total</b>
<b>South East</b>	358	405	952	543	773	104	<b>3135</b>
<b>North East</b>	234	105	154	87	233	15	<b>828</b>
<b>Southern</b>	165	155	278	104	172	51	<b>925</b>
<b>Western</b>	446	174	337	64	261	24	<b>1306</b>
<b>Total</b>	1,203	839	1721	798	1439	194	<b>6194</b>
<b>Grand Total</b>	<b>1,203</b>	<b>839</b>	<b>1721</b>	<b>798</b>	<b>1439</b>	<b>194</b>	<b>6194</b>

Source: Child Development Agency

The OCA commissioned a study during the period under review of the **Foster Care Programme** in Jamaica, which highlighted the issues of parental rights and involuntary termination.

Currently, the Government of Jamaica pays an amount per child to private children's home, which is set by Cabinet after submission by the Ministry of Health. There is presently no formula to establish rate or increases in rate.

<sup>28</sup> Includes the parishes of St. Catherine, St. Thomas, Kingston and St. Andrew.

# ACHIEVEMENTS

## 2008/09



## Introduction

The OCA is a Commission of Parliament established by the Child Care and Protection Act, 2004 (CCPA) with the purpose of protecting and enforcing the rights of children.

The achievements of the OCA from April 2008 to March 2009 are in relation to the goals established in keeping with the CCPA and reflected in the Estimate of Expenditures, 2008.

### **4.1. Continue with efforts to strengthen System of Governance and Management of the OCA and strengthen network and partnerships in the interest of the rights of the child.**

The OCA had several accomplishments in this area for the period under review. Among these included the procurement of assets, creation of training opportunities and benefits for staff, staff appraisal and development of an Information Management System.

Through the Procurement Committee, the OCA was able to increase its asset base by acquiring items such as a computer, printer, fans, cabinets and resource materials for the Legal Department.

Representation was also made to the Ministry of Finance and the Public Service for the establishment of a Revolving Staff Loan Scheme which was approved subject to the availability of funds. The Office has now been added to the list of government agencies approved for motor vehicle duty concession.

Contracts were reviewed and finalized for two members of staff. Two gratuity payments were also made during the reporting period.

In an effort to better manage and track the handling of complaints received, the Children's Advocate had monthly case management meetings with the Legal/Policy Officers and Investigation Officers. The Journal and Register of Complaints are periodically examined and updates provided regarding the status of complaints.

A Strategic Planning Retreat was held in Runaway Bay to review performance in the previous year and to chart the way forward for the next financial year. The office Vision and Mission statements were revised to bring them in line with current societal issues. In addition, the strategic plans and budget were developed for submission to the Ministry of Finance and the Public Service.

Approval was sought and granted for the office to recruit a temporary Deputy Children's Advocate during the period that the Children's Advocate proceeded on extended sick leave due to injuries received in a motor vehicle accident while on the job, and the Deputy acted as the Children's Advocate.

In an effort to establish and upgrade the staff of the OCA to meet the demand of the public, the office reviewed and developed new Job Descriptions (JDs). JDs were reviewed for:

1. Legal/Policy Officer
2. Human Resource and Officer Service Manager
3. Investigation Officer

New JDs were developed for:

1. Intake Officer/Counsellor
2. Senior Investigation Officer
3. Senior Legal Officer
4. Public Relations/Information Officer

These were submitted to the Corporate Management Division of the Cabinet Office which gave approval subject to financial approval from the Ministry of Finance and the Public Service.

The OCA continues to ensure the highest level of staff development and improvement by identifying training opportunities for all members of staff. Members of staff were exposed to national, regional and international training totaling 19 training initiatives. Among these were:

- Ø Payroll Administration and Practice
- Ø Project Organization, Structure and Management
- Ø Public Sector Procurement Workshop (MoF&PS)
- Ø International Inter-Disciplinary Course in Child Rights (Belgium)
- Ø Sexual Harassment in the Workplace (In-house)
- Ø Vicarious Traumatization Workshop (In-house)

Additionally, the OCA facilitated two volunteers during the period under review. One was from the CUSO Jamaica Office through its North to South Programme. The other was an intern from the Jamaica Theological Seminary.



**Mrs. Mary Clarke, Children's Advocate participating in a roundtable discussion at the Girl Child Conference hosted by the Dutch Government in the Netherlands**

Through the kind sponsorship of the United Nation's Children's Fund, the OCA acquired several legal texts to assist the staff in the effective performance of their duties.

The OCA had several meetings with two international agencies to finalize proposals for work to be done in the following financial year. Meetings were held with the United Nations Children's Fund, Jamaica office to discuss work plan for the Child Protection and Child Participation and the Advocacy, Public Policy and Participation Projects. Meetings were also held with the CUSO Jamaica office to finalize placement of volunteers at the OCA. Proposal to the CUSO office for technical assistance has been approved and recruitment and placement of the officers are expected to be achieved in the next financial year.

#### **4.2. Provide Legal Representation for Children as Required.**

The OCA is empowered by section 14 (1) of the First Schedule of the **Child Care and Protection Act, 2004** to:

- (a) bring proceedings, other than criminal proceedings, involving law or practice concerning the rights of children;**
- (b) intervene in any proceedings before the court or tribunal, involving law and practice concerning the rights or best interests of children.**
- (c) act as amicus curiae in any such proceedings.**

The Two Legal/Policy Officers made 134 court appearances representing 77 children as needed and on the request of the Family Court, Resident Magistrate Court and the Supreme Court (Circuit and Gun Courts).

The Legal Department in addition to making court appearances established jurisdiction over the 457 complaints received directly by the OCA and the 72 referred by the Office of the Children's Registry. For children in conflict with the law, every effort was made to ensure their best interests were served and interventions included seeking for a matter to be given priority treatment in the court or applying for bail for the child and seeking to allow the child to continue with his or her education.

The Legal Department responded to daily enquires and provided legal advice on issues related to care and protection, custody and maintenance.

At the Family Court level, there were interventions on behalf of nine children who required legal representation in criminal matters and assistance was offered in getting them legal Aid Counsel. Representation was also made for 38 children in the Family Court deemed to be in need of care and protection and with respect to uncontrollable behaviour to ensure that their rights and best interests were protected. Successful applications were made for bail for eight children and

advocacy for a child who had been placed on an interim Supervision Order in St. Ann to return to Kingston to attend school and to receive counseling.

At the Resident Magistrates level, 25 matters have/are being watched on behalf of children where complaints were made to the OCA about various infringements of rights. These involved children who have been victims under the **Offences Against the Person Act**. The matters included sexual and physical abuse offences, indecent assault and assault occasioning grievous bodily harm. The majority of the cases were involving sexual abuse and were both from urban and rural areas. The officers were able to successfully advocate for four very dated matters to be placed on the priority preliminary examination list and trial list and one of the matters is now slated for Circuit Court in Spanish Town.

An additional five cases were dealt with at the Supreme Court level. These were at the Gun and Circuit Courts. The matters involved carnal abuse and gun charges.

The Legal Department was able to assist children in getting the courts to grant several Court Orders in the best interests of the children. These included Supervision Orders, Fit Person Orders and Probation Orders.

**Section 4 (3) of the Child Care and Protection Act** states:

**Where in any proceedings a child is brought before the court and it appears the child is in need of legal representation in those proceedings, the court shall:**

**(a) refer the case to the Children's Advocate or, if the court thinks fit, grant a legal aid certificate in such circumstances as may be prescribed;**

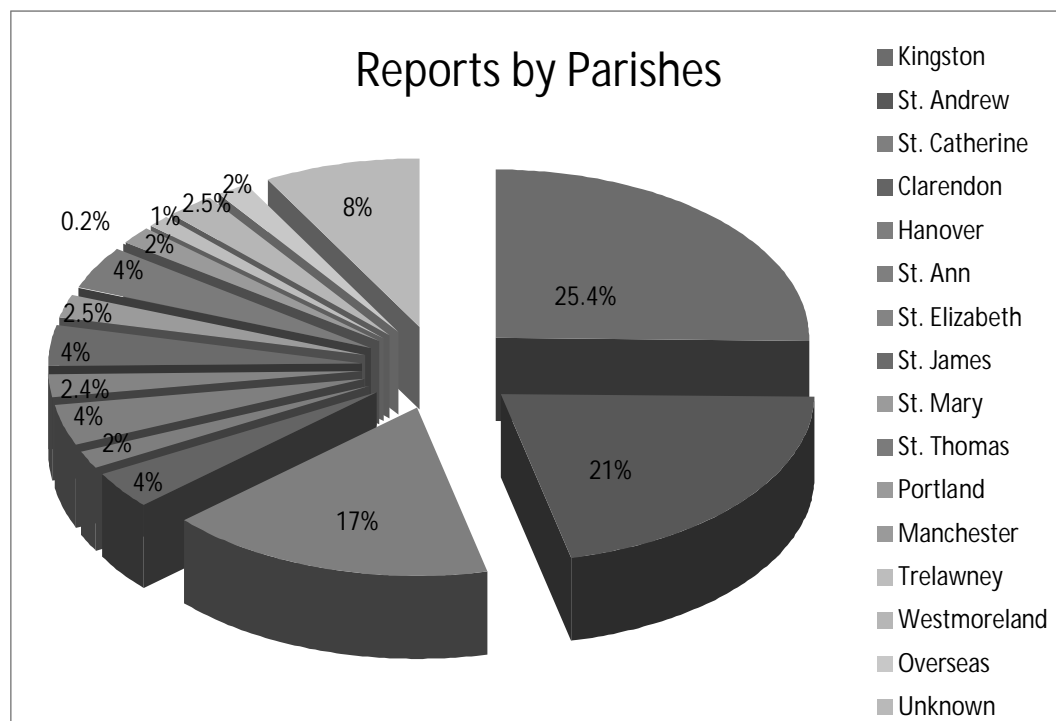
The Legal Department however noted that the court called them on behalf of children only on two occasions despite the OCA bringing this to the attention of the relevant authority and developing and submitting forms for ease of reporting to all the Resident Magistrates Court. It is becoming increasingly difficult for two lawyers to respond to the needs of children across the island.

#### **4.3. Receive Complaints and conduct Investigations on behalf of the child on a timely basis and take appropriate action.**

Section 12 of the CCPA, 2004 mandates the OCA to receive and deal with complaints from children or on behalf of children against a relevant authority. The OCA received and recorded 457 complaints in the Journal of Complaints for the period under review. As a result of the extensive public education campaign executed by the OCA there was a 37.2 per cent increase in the number of complaints received for the period under review compared to the previous period. The majority of the reports were made by phone (66 per cent) followed by Walk-ins (14 per cent) and in writing (8 per cent). One per cent of the reports were from the mass media (press and audio-visual) and another 11 per cent were received from other media including meetings and public education sessions.

Chart 4.3.1 indicates that almost half of the complaints were received from KSA (46.4 per cent) followed by St. Catherine (17 per cent). Of special interest is the far reach of the office, with the OCA receiving approximately 2 per cent of its reports from overseas.

**Chart 4.3.1: Reports distribution by Parishes**



The majority of the cases received were in respect of female (46.6 per cent) and 39.2 per cent involving males. Table 4.3.1 indicates the classification of the cases received for the period. Of the cases received, 165 (34.7 per cent) were relating to child abuse (sexual, physical, emotional, incest, carnal abuse, and neglect). A total of 121 (39.1 per cent) complaints were against relevant authorities.

**Table 4.3.1: Summary of Complaints received by OCA for March 31 to December 12, 2008 by percentage**

<b>CASE TYPE</b>	<b>Frequency</b>	<b>Percentage(%)</b>
Uncontrollable Child*	20	4.2
Physical Abuse/Abuse*	60	12.6
Sexual Abuse*	58	12.2
Care and Protection	48	10.1
Pornography	5	1.1
Enquiries	16	3.4
Carnal abuse	3	0.6
Legal Representation/advice	48	9.0
Child Neglect/Abandonment	23	4.8
Child Abuse/Emotional Abuse	20	4.2
Financial Assistance	8	1.7
Counseling	4	0.8
Missing Child	3	0.6
Incest	2	0.4
Other	42	8.8
<b>Sub Total</b>	<b>355</b>	<b>74.6</b>
<b>Against Relevant Authorities</b>		
Police Matter	11	2.3
Health Issues	3	0.6
CDA and Child Care facilities	25	5.3
Children in Police Lock-up	7	1.5
Education Matter	75	15.8
<b>Sub Total</b>	<b>121</b>	<b>24.4</b>
<b>Total</b>	<b>476</b>	<b>100</b>

\* Includes some against relevant authorities.

Chart 4.3.2 notes that the children most affected were from the 14 to17 age group (28.1 per cent) followed by the 9 to 13 age group (21 per cent). Notable is the high number of complaints received regarding infants and children less than five years old.

Recording of complaints can be very time consuming and it is noted that most (65.9 per cent) of the reports were made by telephone. Of the cases received from the public, the OCA had jurisdiction in 280 cases. Based on the limited human resources with only two Investigation Officers for the entire island, cases are dealt with on a priority basis which is determined using the best interests principle (safety and wellbeing of the child). When jurisdiction is established, the complaints are recorded in the Registry of Complaints for investigation (See section below), legal representation or other legal assistance.



## Reports from the Office of the Children's Registry

In addition, 72 complaints were received from the Office of the Children's Registry involving relevant authorities. Table 4.3.2 gives the break down of the complaints received. It indicates that the majority (51.3 per cent) of the complaints was against persons in educational institutions and included sexual and physical abuse (corporal punishment for example) by principals, teachers, and other staff; emotional abuse and injuries at school. The cases against the Child Care Institutions (22.2 per cent) and the Jamaica Constabulary Forces (9.7 per cent) were mainly sexual, physical abuses matters and non action. The cases against the health sector (5.7 per cent) were relating to children delivering babies and unaffordable health care costs.

**Table 4.3.2: Cases received from OCR involving Relevant Authority**

Relevant Authorities	Frequency	Percent (%)
Education Institutions	37	51.3
Child care institutions	16	22.2
Jamaica Constabulary Force	7	9.7
Health Institutions	4	5.7
Other	8	11.1
<b>Total</b>	<b>72</b>	<b>100</b>

### 4.4. Investigate infringement of children's rights by Government Agencies

Of the 83 cases brought forward from March 31, 2008, 43 cases were closed and 40 are at different stages of investigation. Of the total number of complaints received by the office, 280 cases were assigned to the two Investigation Officers (IOs) for investigation. At March 31, 2009 approximately 50 per cent of the cases were closed and most of the others were at various stages of investigation. The other cases which were not slated for investigations were requests for legal assistance, advice or intervention some of which were also referred to other agencies for action.

In carrying out investigations, the IOs made telephone calls, did field visits, interviews, collected statements, interacted with other agencies and examined and maintained records. Over 80 institutions were visited which included:

- Ø 19 Places of Safety and Child Care Institutions
- Ø 12 Correctional Centres for Children and Adults Centres where children were
- Ø 33 Educational institutions
- Ø 4 Hospitals
- Ø 13 Police stations

OCA involvement has proved very useful in vindicating child rights for the period under review. The OCA successfully intervened in a case where a victim of Hurricane Dean whose house was destroyed had her children taken away by CDA for care and protection. Although the victim died during the year, a house has been delivered to the guardian of the children in Old Harbour. The OCA continues to monitor this case with a view of family reunification and social assistance for the children.

OCA investigations have contributed to the arrest of one child care facility manager for several cases of sexual offenses committed against wards of the state and the dismissal of others for physical abuse of wards of the state.

Other success stories include providing assistance for two children who were HIV positive in getting medication and admittance to a public Hospital in one instance and admittance to a Children's Home in the other. The OCA also assisted parents in acquiring Birth Certificates for over six children.

Additionally, reports were received about under age children at a particular night club being solicited by older men. An investigation was carried out and the club owner advised of the breach. A response was received from the club owner informing that a notice of the allowable age for admission is visibly placed in the club and the police now do periodic monitoring.

Investigations conducted by the OCA found many of the complaints against educational institutions warranted. In relation to the education matters dealt with, the Investigation Officers were integral in getting 12 students who were expelled, re-admitted to school. Reports received by the OCA noted some reasons for children being sent home from school as: wearing braids and plain clothes to school and refusing to cut hair.

Forty Four of the complaints received were criminal matters which were reported to the Police including the Centre for Investigation of Child Abuse and Sexual Offences (CISOCA). These involved sexual abuse, physical abuse, rape and carnal abuse against children. Many of these resulted in the charge and arrest of offenders who included parents, teachers and other school officials, child care facility workers, family members, taxi operators and other adults. Special note must be taken of two parents who were given court sentences for abandoning and neglecting their children.

Four complaints against the police were investigated and forwarded to the Police Public Complaint's Authority for their action. The OCA awaits a response on these matters.

Two of the complaints received and investigated were referred to the Director of Public Prosecution for action. These included a case of child labour (artistic employment) for which there was public outcry in the media. The OCA has been in dialogue with the DPP's Office and awaits written communication in respect of the proposed steps to be taken in the resolution of both matters. The OCA has also done liaison work with the police in the matter. The other matter was related to the sexual abuse of a male child.

Counseling was sought for some children who were abused and some who had to attend court. Through the request of one Resident Magistrate, one of the Investigation Officers, who is a trained counselor, held counseling sessions with two children who were attending court. As a result of this intervention, the children were able to give acceptable evidence in court. Referrals were made for counseling to the Victim Support Unit (VSU) and the Child Guidance Clinics (CGC) where necessary.

The OCA also directed complaints of abuse, abandonment and neglect to the Office of the Children's Registry in compliance with the CCPA. These cases relate to suspicious and actual child abuse reports. The OCA did preliminary investigations in some of these cases. Twenty cases were also referred to the Child Development Agency (CDA) where the child is deemed to be in need of care and protection. It must be noted however, that there are instances when a case is referred to OCR, CDA and the Police depending on whether the child is in need of care and protection and if it requires a criminal investigation.

The OCA is pleased to report that 2 children who went missing; 1 in 2007 and the other in 2008, were found as a result of its initiative. These children were returned safely home to their parents and counseling provided for both.

Complaints were received regarding children on the street selling and running between cars putting their lives at risk in the Constant Spring, King's House, Liguanea and Manor Park areas. OCA intervened in the matter and the Community Safety and Security Branch of the Jamaica Constabulary Force responded by letter (December 12, 2008) to inform that the situation will be dealt with by the Area Divisional Officers in the Corporate Area.

### **Cases from the Office of the Children's Registry**

As it relates to cases from the OCR, 51 cases were recorded and investigated. Among these 5 cases were reported to the Police including CISOCA for action to be taken, approximately 3 matters were not substantiated and approximately three **parents and children refused to give statements**. Some success includes two teachers, a soldier and a child facility manager being arrested. One Security Guard and one staff member of a child care facility dismissed and interdicted. One Housemother was suspended and a teacher served summons. Two matters are still before the court and two wards were transferred to other facilities for their best interests and safety. Additionally, one child was transferred from his/her original school.

**The work of the Department was severely limited by the fact that OCA is assigned two Investigation Officers to cover the entire island.**

#### **4.5. Continue to review existing laws and services to ensure their relevance and effectiveness to childcare and educational institutions and institutions in the criminal justice system.**

The OCA in an effort to ensure the adequacy and effectiveness of the law and practices relating to the rights and best interests of children in Jamaica, visited several institutions that offer services to children and reviewed a number of laws and policies relating to children. In carrying out this function the Office established partnership with other critical stakeholders.

Through extensive research of children in the Justice System and OCA participation in the Regional Child Protection Conference held in Havana Cuba, the Office recognized several areas that needed to be improved in the Child Protection System as it relates to abuse and in particular sexual abuse. In collaboration with the Family and Parenting Centre, a non-profit organization in Montego Bay a proposal was prepared and funding accessed from the British High Commission for an audit of the Child Protection System. The OCA chaired the Steering Committee for this Audit.

The principal aim of the Child Protection Audit was to review current systems and procedures used by a range of organizations to respond to reports of alleged sexual and physical abuse of children with a view to make recommendations to reduce the trauma experienced by child abuse victims during the investigation and criminal trial, and also to enhance the quality of the evidence available to the court.

Some of the recommendations include:-

- n Narrowing the scope for initial disclosure of child abuse;
- n Strengthening the process of investigation and evidence gathering;
- n Undertaking of risk assessment to take measures to mitigate against negative impact of abuse on victims and his/her family;
- n Ensuring more child friendly courts and improving the treatment of victims in court;
- n Reviewing the use of bail conditions and preparing guidelines to reduce the opportunity for perpetrators to remain in the home of the child victim or to visit;
- n Reviewing existing procedures for the submission of evidence to clerk of the court for preliminary hearing to identify opportunities to improve the effectiveness and efficiency of the system;
- n Identifying and selecting a group of prosecutors who would then be given specialist training in the handling of child abuse cases; and
- n Drafting and agreeing on standard operating procedures for the use of remote testimony by video link and the use of video recorded interviews with child victims as evidence in chief, subject to amendments to the **Evidence Act**.

The Consultant had a briefing session with all the stakeholders in the Child Protection System and met with at least forty representatives from various Ministries, Departments and Agencies who provide services for children to examine the process and to identify where there could be

improvements. A draft report was compiled and circulated to all the stakeholders through the OCA. Comments on the report were made and incorporated into the finalized report.

The second phase of the Project was funded by the JCF and coordinated by OCA and the CDA. During this stage, the Consultant discussed the draft report with the stakeholders and identified policy implications for the implementation of the recommendations made by the Consultant.

The OCA records its appreciation to the CDA for undertaking the funding of the Stakeholders Consultation in November 2008. Discussion will continue with some of the major stakeholders for the development of a Strategic Plan to operationalize the recommendations.

In response to request made by the Independent Jamaican Council for Human Rights, the OCA provided technical comments through the Senior Legal Officer on the proposed amendments to the Legal Aid Act and section 78(1) of the Child Care and Protection Act (CCPA) in respect to:

- The Public Law Sections of section 4(3), 14 and 71(9) of the CCPA and the scope for Legal Aid Certificate
- Legal Aid in civil proceedings for a child – Private Law
- Legal Aid in Custody and Maintenance Matters (Family Law) – the role of the Children’s Advocate

The OCA also reviewed services offered to children at the Caribbean Centre for Change Tranquility Bay after receiving complaints and a report was sent to the Ministry of Education and the CDA for their intervention. Through the continuous advocacy of the OCA, the institution was ordered closed by the Ministry of Education.

Additionally, OCA undertook research on the experiences of children in the Justice System and this revealed many deficiencies including how children were transported to court, the court processes and proceedings and children’s preparation for court. These will be discussed with the relevant authorities.

In recognition of the numerous issues children faced during their interaction with the justice system, the OCA made representation to the CUSO Jamaica office to discuss how their offer of assistance could help to improve the management of children in the Criminal Justice System. Five proposals were developed to be included in CUSO Access to Justice for Women and Children 5 year work plan 2009-2014. Two of which have been approved and active recruitment has started for the co-operants to begin working. These are for:

- Kids in Court Programme – this is to help prepare children for court. One of the findings of the abovementioned is the fear of the court by children which impacted the quality of evidence given by them.
- Legal System capacity Building

The office has also conducted research on the Foster Care Programme in Jamaica in order to identify strengths and weaknesses to inform policy decisions. This was done in an effort to foster the expansion of the programme. The findings will be discussed with the relevant authority in the coming financial year. The OCA is also seeking funding to publish the research findings.

Additionally, the OCA actively participated in the review of the Ministry of Education Special Education Policy. The OCA also visited some State and Private childcare facilities. Among these were: Copse, Walker's, Homestead and Glenhope Places of Safety (POS), and Bethlehem, Mustard Seed, Swift Purcell, St. Augustine and Wortley Child Care Facilities. A report was done on Copse Place of Safety and the findings submitted to the CDA. It is noted that the Copse POS was closed down and the wards reassigned. In a report prepared by CDA, it was noted that extensive repair has started at the Manning's Boys Home. Additionally, the OCA met with officials at the CDA to discuss issues relating to the operations of some of the Homes.

The Children's Advocate also prepared Terms of Reference for the Fatality Review Panel which had been recommended. This was submitted to the Ministry of Health and a favorable response is being anticipated. An outline was also prepared for the review of services at the Bethlehem Children's Home in light of the unexplained death of a ward.

During the year under review, the OCA sought meeting with relevant authorities to give advice based on outcomes of investigations, and issues impacting the rights of the child.

The OCA sent letters to the following relevant authorities:

**Ø Child Development Agency:**

Letters were sent on May 10, 2008 regarding Copse Place of Safety and May 6, 2008 regarding Manning Boy's Home. Additionally, other letters were sent regarding complaints received about children in need of care and protection for the period. Responses were received for several of these matters.

**Ø Ministry of Justice and Attorney General:**

A letter was sent to the Ministry regarding the review of the Child Care and Protection Act, Regulations of the CCPA, fast tracking of the Child Pornographic and Sexual Offences Bills and, termination of parental rights. In her response the Senator noted that the *Child Pornographic Bill was at a very advanced stage in the legislative process and is before Cabinet to be laid before both Houses of Parliament*. OCA received a response indicating that she noted that on the matter of Parental Rights and Foster Care and the review of the CCPA, *the Ministry of Health and Environment and the Child Development Agency are the responsible entities to initiate the discussion*.

The OCA however wish to express commendation to the Ministry for the fast tracking of the Sexual Offences and the Pornography Bills which when passed will greatly assist in the protection of our children.

In addition, the OCA wrote the Ministry about the Inter-American Council on Human Rights Report of their visit to Jamaica with specific emphasis on Children's Home and Places of Safety and detention of Juveniles in Police Holding Cells and Detention Centres. There has been no response for the period under review.



### Ø Ministry of National Security

A letter was sent to the Minister regarding a meeting to discuss the matters of children in Juvenile and Adult Correctional Centre, children of women in Prison, and the Trafficking in Person Bill. A meeting was held at the Ministry of National Security with the Children's Advocate. In the meeting the following decisions were taken:

- § As it relates to Trafficking in Person (TIP), the OCA requested a revitalization of the Taskforce with mobilization of stakeholders to assume the responsibility to actively monitor the situation of children. The OCA also encouraged that the Report of the US State Department be studied and recommendations pursued. The Ministry informed that the Taskforce had re-convened.
- § In relation to children in Correctional Institution, the Ministry agreed with the CA that Mont Pelier is urgently needed but there are resource constraints. The CA was informed that the Ministry is in dialogue with an international development agency to get assistance and that the Ministry of Finance and the Public Service has suggested a phasing of the facility based on staffing needs.

The Children's Advocate requested an update on the status of commitment undertaken by the DCS in letter dated May 8, 2008 in response to complaints made about treatment of children in Correctional Facilities. The Ministry indicated that the children were provided services in the area of psychological and psychiatric assessment, medical examination, individual and group counseling, academic and vocational instruction and recreation. Correctional officers were trained at the Staff College and 6 modules were developed and taught. However, it was clear that the Committee for intervention strategies was not meeting.

- § The Ministry agreed with the Children's Advocate that an intervention for children of inmate is well needed but questioned the role of the MoNS in such venture. The DCS volunteered to take on the responsibility and assign Probation Officers the duties. The Minister gave approval for this to be done. The CA requested to meet with the Probation Officers when they are selected. The DCS has since announced the progress being made for the establishment of this unit and that the Department has identified Probation Officers to work in the unit. The OCA looks forward to the implementation of the programme.
- § The Ministry gave the following updates:
  - A visitor's Centre is being built at Tower Street Correctional Centre which will allow children to visit their parents in less restricted environment.
  - There is a Census being done by the DCS on children of inmate which will determine the extent of the effect on these children.
  - A proposal is being developed for a Rehabilitation Village to be established in Manchester which will accommodate 40 children (girls) in 8 houses. The homes will be supervised by house mothers.



An attempt was also made by the OCA to meet with representatives from the Transformation/Fresh Start Programme to identify areas where there could be collaboration with efforts to a fresh start for and with children.

Ø Ministry of Health:

A letter was sent to the Ministry with overall responsibility for children, requesting a meeting to discuss issues relating to children as the Ministry. Children of women in prison, children in correctional institution, review of the Child Care and Protection Act, Child Care Institution (children who died tragically in State care) based on reports from the Inter-American Commission on Human Rights were concerns of the OCA. No response was received from the Ministry for the period under review.

OCA intervened when an NGO which is working with children with disability outlined its plight of closing down because of inability to pay staff and operational expenses. The Office sought assistance from the Ministry of Education and the Ministry of Labour and Social Security to ensure the survival of the organization. The OCA continues to advocate for funding for this and other NGOs which provide much needed services to children and their families in oftentimes underserved areas.

**4.6. Provide advice and make recommendations to Parliament and relevant authority on matters concerning the rights and best interest of children**

The OCA gave advice and made recommendations to Parliament, Ministers, Ministries and relevant authorities through various media including submissions of reports, meetings, and reviewing of several documents. Several meetings were held with relevant authorities on issues pertaining to the rights and best interests of the child as reported in this report.

In relation to reports, the OCA submitted its second Annual Report to Parliament which was tabled and distributed to all Members of the Upper and Lower Houses on October 28, 2008. The report contained a current situation analysis of children in Jamaica and made several recommendations regarding the safety and best interests of children in Jamaica. In addition, the report highlighted the achievement of the Office for the 2007/08 fiscal year and made recommendations where applicable. On the request of the Deputy Speaker of the Houses of Parliament a detailed list of policy recommendations were submitted in March.

The OCA also submitted reports to the Minister of Education, the Jamaica Constabulary Force and the Child Development Agency regarding its findings at the OCA Children's Consultations. The Minister of Education responded positively to the report and has since taken action to ensure children's best interests in the school environment.

The OCA provided technical assistance and information to the Consultant responsible for the establishment of the Jamaica Teaching Council on regulations and laws and issues which must be taken into consideration based on the complaints coming to the OCA.

Discussions were also held with the Minister of Education regarding child participation particularly in demonstrations. Two papers were presented at the USAID/JA-STYLES/JYAN Yute X Conference and the Caribbean Child Research Conference relating to youth and child participation. The Minister has since made public statements on how the government will deal with this issue.

Advice was also provided through OCA's involvement and partnership at different inter-sectoral meetings and committees. The Office participated in and served on the following Inter-sectoral Committees, Meetings and Taskforces:

- National Road Safety Council Strategic Planning seminar
- Planning Institute of Jamaica led Caribbean Community Framework of Action for Children Committee
- PIOJ National Development Plan (2030 Vision) on Correctional Services and Social Welfare and Vulnerable Groups
- Safe School Taskforce
- Prime Minister's Taskforce on Child Abuse Prevention
- Steering Committee National Parenting Support Policy and Commission
- Quarterly meeting with Community Safety and Security Branch of the JCF
- Round table Discussion on Parenting hosted by USAID
- HIV/AIDS and youth seminar hosted by JA-STYLES/USAID
- Child Mortality Estimation discussion hosted by PIOJ and UNICEF
- Caribbean Poison Prevention Education Sub-Committee
- Violence Prevention Alliance
- Social Investment For Children Initiative
- MOE Creating Safe Places for Learning Project
- MOE Alternatives for Discipline Programme
- National Child Month Committee
- PIOJ and UNICEF Round table Discussion on Child Poverty and Disparity

In some cases, these inter-sectoral meetings were held once per month and dealt with various issues, all of which impacts the rights and best interests of children. The OCA has been integral in all the discussions that took place at this level and still continues to be a voice on child rights issues.

The OCA also:

- Ø provided technical assistance in the Drafting of Cabinet Submissions on the Child Pornography Act which led to the Bill being drafted;
- Ø served on the Residential Child Care Facilities (RCCF) Committee set up by the Child Development Agency as part of the licensing of the Child Care Facilities in Jamaica (4 out of 45);

- Ø had dialogue with the Early Childhood Commission and the Centre for Investigation of Sexual Offences and Child Abuse to clarify roles and responsibilities with respect to abuse of the young child. In addition, the office is an activity member of the Trafficking in Person Taskforce;
- Ø provided technical support to Antigua for the development of the juvenile system in their country.

**In 2008/9 recommendations were developed and sent to the Houses of Parliament relating to the rights and best interests of children. The OCA is still awaiting a response on these recommendations.**

The OCA also conducted a research of the Social Work Unit in the Ministry of Labour and Social Security to prepare a policy paper on children whose parents are incarcerated which was sent to the Houses of Parliament through the Speaker of the Houses and copied to the Ministry of Finance, Ministry of Health and Ministry of National Security regarding the state of children of inmates.

#### **4.7. Intensify Public Education Programmes on the rights and best interest of children, role of the OCA and increase the number of consultation with stakeholders primarily children.**

The OCA was successful in achieving this objective in several regards. The Public Education Campaign was intensified for the period under review, led by the Children's Advocate and the Public Education Manager. Several seminars, presentations, consultations, media interviews and responses were done with various stakeholders targeting children, parents, teachers and school administrators, church leaders and non-governmental organizations and community groups. Table 4.7.1 shows the frequency of public education at different organizations.

**Table 4.7.1: Presentations/Seminars made**

INSTITUTIONS	FREQUENCIES	PERCENTAGE
Places of Safety/Children's Home/Correctional Centre	16	14.0
Education Institutions	52	45.2
Other <sup>29</sup>	47	40.8
<b>Total</b>	<b>115</b>	<b>100</b>

The Public Education Campaign targeted children, parents, schools and civil society which promoted messages such as child rights, role and functions of OCA, child abuse, protecting children, the Child Care and Protection Act, child safety and good parenting. Over 10,000

<sup>29</sup> Include presentations to churches, NGOs, CBOs, health professionals and foster parents.

children and adults were reached with OCA direct contact through presentations, seminars and booth displays which were also used to build partnerships and to encourage citizens as well as children to report child abuse and violation of child rights and to mobilize them in child protection. Many of the presentations were done with key stakeholders who have direct connection with children as it is believed that this would have a crusade effect.

It is noted that the OCA made special arrangements to ensure that children in Places of Safety, Childcare Facilities and Correctional Centres are aware of the CCPA, their rights and responsibilities and know how to contact the Office. With the support of UNICEF, four of these institutions were visited and provided with information on the CCPA and how to contact the Children's Advocate. The staff also visited at least two of these institutions per month providing the children with access to the services of the Children's Advocate. Institutions such as Teachers Colleges (Bethlehem Moravian College, Shortwood Teacher's College, Caribbean Graduate School of Theology, UWI and Mico Teacher's College) were also targeted. These institutions were targeted as the students, after completing their studies, will be dispatched into schools and will be responsible for molding and nurturing the lives of many of the nation's children. It is expected that this will have a crusade effect

The OCA conducted five consultations. One of which was conducted at a primary school in Western Jamaica that also caters to children living with disabilities. This was in response to the plethora of demonstrations involving students and children. The consultation was very successful as children and teachers were informed of children's rights and the proper way in which children could participate in decision making. Several concerns were raised by the children and teachers, many of which were directed to the Ministry of Education and are being addressed.



**OCA representative making a presentation to participants at the St. Catherine Inter-School's Brigade Annual Summer Training and Behaviour Modification Camp at Glengoffe High School.**

The other four consultations were conducted with church leaders. These were conducted regionally (Montego Bay, Ocho Rios, Mandeville and Kingston) and included representatives from all parishes. Over 15 denominations including SDA, Methodist, Anglican, Catholic, Pentecostal, Open Bible, AME, Missionary and the United Church spanning over 100 local churches were reached. The consultations were designed to provide information regarding the rights and responsibilities of children, role, functions and location of the Office and extract information from participants to inform the work of the Office and to build partnerships with the church community.

In responding to issues relating to the rights and best interests of children, the OCA participated in over 100 media interviews, issued press releases and statements to the media. These included local and international print and electronic media.

Four Radio Public Service Announcements (PSAs) and a television PSA were developed and aired on four radio stations and three national television stations. Advertisements were developed and used at special events held for children such as the Caribbean Child Research Conference of which OCA is a partner. The Conference had over 300 participants including children, policy makers, practitioners and parents.

#### **4.8 Other Activities**

The OCA had a Christmas Treat for children at the Bustamante Hospital for Children in the Burnt Unit in December 2008. The Children's Advocate and staff brought gifts and cheer to the children, some of whom had been hospitalized for over a year. The treat was well accepted and children felt loved.

#### **OCA's Christmas Treat with Children at the Bustamante Hospital for Children**





Mrs. Mary Clarke, Children's Advocate in her Christmas Hat bringing cheers to sick children at the Bustamante Children's Hospital.



OCA's Staff members singing Christmas Carols to Children at the Bustamante Hospital

### Child Month Activities

Jamaica celebrated May as Child Month and the OCA was very involved in the activities that took place during this period. The OCA continues to serve as a member of the Child Month Committee which coordinated the official activities for the Month. The Children's Advocate was the keynote speaker at the Official launch of Child Month as well as at the launch of Child Month Action Day which was held at Martha's House, a children's home for children living with HIV/AIDS. Other activities that the Office participated in for Child Month are Caribbean Poison Information Network School's Competition (Keynote/motivational speakers), main address at the Power of Faith Ministries, Portmore, Child Month Address at the St. George's Infant and Primary School. The addresses were made to children as well as parents and reflected the Child Month's theme: ***Children: Today's Investment, Tomorrow's Gain.***

With the assistance of the Environmental Foundation of Jamaica, the Office was able to run its PSA on Child Abuse during child month which the public received well. Many follow-up calls and personal feedbacks were received from the public. The OCA also recognized Love Television which continued to air its advertisement even after the funding ended.



Public Education and Special Projects Manager interacts with patron at OCA's Display Booth at the Scotia Bank Speak up Speak Out Campaign in St. Thomas during Child's Month

### **Parent Month Activities**

Parent's Month is a significant period for child right advocacy and as such the OCA made use of the existing audience during this period. Several addresses were made by the Children's Advocate and other members of staff to parents and children in different parishes across the island. The CA addressed over sixty church leaders of the Roman Catholic Church in Montego Bay (including the Bishop, Priests, and Deacons), Parenting Forum at the Pollyanna Restaurant hosted by the Family Court, over 300 hundred children and parents at Headley Avenue SDA church in Drewsland and a church group in Mudd Town. In partnership with the Social Development Cooperation, the Office participated in five parenting symposiums on issues relating to the rights of the child and the Child Care and Protection Act.



## 5. Policy Recommendations

The OCA wishes to make the following recommendations:

### **Natural Disaster**

More attention needs to be given to the preparation for and management of natural disasters in institutions with children. This recommendation has been submitted to the Honourable Prime Minister's Taskforce.

An area often overlooked is the traumatic effect of disaster on children and the need for psycho-social support.

More coordinated support is needed for NGOs dealing with at risk groups of children not being targeted by the Government of Jamaica.

### **Training and Capacity Building**

Service providers for children whether in the Courts, Childcare Institutions, and Police Stations need to be specifically trained for the job they have to undertake. Much training is needed for children with special needs and children who are traumatized especially victims and witnesses of abuse and violence.

### **Review of Legislation**

Under the **Child Care and Protection Act** reports from the Registry are sent to the OCA on CDA. A review is needed as this routing procedure may create delay in investigation of critical cases with potential for contamination of evidence during the process.

Currently medical records and statement from recent complaints are required in Court for corroboration in sexual offences cases where children who cannot give evidence under oath. Even when there is medical record available some Resident Magistrates require statements from recent complainants. In many cases complaints are afraid to give statements and as such the perpetrators are freed. It is therefore being recommended that issues of corroboration in sexual offence cases need to be addressed.

Additionally, Public Education is needed on the new Bills especially the Sexual Offences Bill so that no one will be caught off guard. The Jamaica Information Services and other media could be targeted for this purpose.

### **Access to Health Care**

The office continues to receive calls seeking funds for assistance for children in need of treatment including for cancer even after the abolition of user fees in Public Hospitals.

### **Foster Care Programme**

Foster care is a viable alternative to institutional care. It offers permanency and a loving home for children who otherwise would not have a home. It is recommended that:

1. the programme be expanded and that the stipend be increased;
2. the deficiencies in the administration of the programme be addressed. These include the monitoring of children and psychosocial support to foster parents and family;
3. more support be given to children especially in areas relating to financial assistance, education, clothing grants, and health care, more drugs especially for chronic illness, and more fun activities. Provide foster children with health cards to be funded by the National Health Fund;
4. the laws be reviewed with respect to parental rights. Currently parental rights are terminated with adoption, but not with extended foster care;
5. a social marketing programme be instituted to deal with the whole concept of fostering;
6. the thrust for the expansion of the Foster Care Programme must be accompanied with the development of minimum standards to include criteria for selection of foster parents, expectations of CDA and foster parents, protecting from abuse and neglect, promoting contact, consultation, promoting development and health, preparing for adulthood and promoting educational achievement;
7. concessions be granted in cost sharing for educational institution and that Funds be provided for those foster children who want to go on to tertiary education.

## Update on Policy Recommendations submitted to Parliament

Period	Policy Recommendations made	Action
April 2007 to March 2009	<b>National Disaster</b> There needs to be a more coordinated approach in the response to adults and children after a natural disaster (refer to page 8 of OCA annual report) to ensure immediate needs of victims are met.	No response received
	<b>Social Protection</b> The programme needs to create a special window for the most vulnerable and those in recognized NGO institutions which are providing mostly remedial and primary education services such as Children's First. The period of time used in the programme for the processing of applications and the acceptance of beneficiaries need to be shortened to widen the pool of beneficiaries.	No response received
	These alternative institutions, in addition to needing support should also be regulated and come under some quality control especially with respect to curriculum being offered.	No response received
	In view of the National Policy Statement on Women accepted by cabinet in July 1987, OCA is recommending that consideration be given to the granting of incentives to government ministries, agencies and private sector organizations which establish day care facilities so that they may offer adequate supervision for the employees' children especially during the hours after school	No response received
	A unit be established in the Ministry of National Security to ensure that children of the incarcerated are not penalized for their parents' sin	Unit is being established
	<b>Child Labour</b> There is need to speed up the finalization and enactment of the Occupational Health and Safety Act which has been in gestation for a number of years since this has implications for the labour inspectorate	Still in Bill form

	<p>as it relates to child labour.</p> <p>Prescribed occupations and hazardous work as mentioned in the CCPA are already defined in a draft format and would also be included in the Regulations for the Act (Child Care and Protection Act, Section 34).</p> <p><b>Child Abuse</b>  Revision of the Education Regulations of 1990 to reflect the Ministry's position on Corporal punishment.</p> <p>There is an urgent need for an island wide public education programme on sexual abuse and pornography. This should target adults especially men who abuse minors and women who hire out their daughters for economic gain. Such a programme should precede the enactment of the Sexual Offences and the Child Pornography Bills</p> <p>Expansion of Life Skills based Health and Family Life Education Programme in all schools with the provision of required resources.</p> <p><b>Education</b>  Careful examination is needed of the finding of the Jamaica Survey of Living Conditions 2006 that households continue to pay more for extra lessons than they did for tuition and fees. Such expenditure would negate the benefits of the government's policy of free tuition for all.</p> <p>More public education is required to convince parents/guardians of the importance of education as a vehicle for social mobility. More follow-up of children not attending schools need to be done by the relevant authorities. This also requires a policy decision for the Ministry of Education to be monitored by Regional bodies.</p> <p>It is necessary for the Ministry of Education to create a mechanism to ensure that parents and caregivers comply with the mandatory school attendance of children age 4-16 as stated in section 28 (1) of the Child care and Protection Act, 2004 (refer to page 9</p>	<p>Regulation has not been revised</p> <p>No public education has started</p> <p>This is being done</p> <p>No further research done</p> <p>No response received</p> <p>No mechanism developed</p>
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	<p>of OCA Annual Report). In the 1980's there were truancy officers who did this.</p> <p><b>Health and Nutrition</b></p> <p>Consistent efforts and public education programmes are needed to ensure we do not lose the gains made since the ratification of the United Nations Convention on the Rights of the Child, with respect to malnutrition and stunting and immunization.</p> <p>There is a huge gap in services for the <i>mental health of adolescents</i> in a meeting with the Ministry of Health the OCA was informed of plans to build a child and adolescent facility at the Cornwall Regional Hospital and provision of mental health staffing for the Bustamante Hospital for Children. The OCA is asking for the speedy implementation of these plans and that consideration be given to making them more child friendly recognizing that sick children need the support of parents and significant others</p> <p>It is recommended that the CAMP Bustamante Project - a hospital based intervention Programme to deal with victims of abuse (physical and sexual) and their family/caregiver, to be institutionalized and adopted by other hospitals which have seen high cases of child abuse.</p> <p>Mechanisms need to be institutionalized for proper screening of children accessing public health services as it has been reported that many who attend the hospital could have been treated at the clinics.</p> <p>Examination/review of Unintended Consequences of Mandatory Reporting:</p> <ul style="list-style-type: none"> <li>• In some hospitals staff no longer asks the age of children who seek adolescent reproductive health services or are pregnant</li> <li>• Teenage mothers who once would name the fathers of their babies are now refusing to do so to protect their relationships and their lovers. Underage pregnant teens are now more hesitant to access ante natal care because of fear.</li> </ul>	<p>No response received</p> <p>No response received</p> <p>CAMP Bustamante closed down</p> <p>Recommendations submitted to HPM Task Force on Children in State Care</p>
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	<ul style="list-style-type: none"> <li>• The Women's Centre of Jamaica Foundation has reported that its once helpful programme for baby fathers has been threatened because of the fear of fathers to come forward</li> <li>• Mandatory reporting is proving a barrier to giving adolescents badly needed reproductive health services</li> </ul> <p><b>Child Care/Protection</b></p> <p>Child care institutions are becoming more and more overcrowded. The aim of the Child Development Agency is deinstitutionalization of children. However, this can only be fulfilled if support is provided for community and family based programmes/services/interventions. The OCA is asking that consideration be given to the provision of resources for family preservation centres which would facilitate alternatives to institutionalization.</p> <p>The government is being urged to consider with urgency the establishment of fully equipped regional child protection centres with specialist staff for the forensic interviewing and video recording of statements of abused children.</p> <p>No abused child especially sexually abused, should have to undergo secondary victimization by having to recall and repeat his/her story/event over again. This will require completion of the <b>Evidence (Amendment) Bill</b> and increased capacity in forensic interviewing.</p> <p>Children with special needs who are institutionalized are grossly underserved and consideration is needed for these children to be provided for each according to his needs.</p> <p>Too many children are fallen victim in road accident thus it is recommended that careful consideration is needed for school zoning, the construction of side walks and an increase in the number of pedestrian crossing especially in areas where there are basic and infant schools and where children walk to school (rural areas) (refer to page 18 of Annual report).</p>	<p>CISOCA equipped for video recording of statement of children in Kingston only.</p> <p>Recommendation submitted to HPM Task Force on Children in State Care</p> <p>No response received</p>
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	<p>There needs to be a decentralization of Child Care Facilities so that children do not have to be placed out of home parish preventing family association.</p> <p>A mechanism for impartial and independent review of sudden or accidental death of children in government institutions (hospitals, children's home, etc.) is needed. This will enhance accountability and encourage systemic recommendations to improve quality of service for children (refer to page 20 AR).</p> <p>There should be separation of children in need of care and protection and uncontrollable and those in conflict with the law in Places of Safety and Correctional Centres. The establishment of the new facility at Montpelier, St. James to house those in conflict with the law would help to solve this problem in these institutions. Special attention needs to be given to the provision of specialist interventions for the rehabilitation of these children (refer to page 21 AR)</p> <p>There are a number of issues regarding the adequacy of children's courts, children's preparation for court, the court processes and proceedings. It is being recommended that services for the preparation of children for court be introduced. Refer to Kids in Court Programme in Ontario, Canada.</p> <p><b>Legislation</b> Parliament is being asked to consider the review of the <b>Child Care and Protection Act, 2004</b> in the following areas:</p> <ol style="list-style-type: none"> <li>1. The Act has no provision for how children in correctional institutions should be provided for. Section 62 makes it very clear as to the rights of the child in places of safety, children's homes or in the care of a fit person order. However, there are no such provisions for children in correctional centres in the legislation.</li> <li>2. There needs to be a specific definition or criteria for the identification of the "uncontrollable child" in light of the fact</li> </ol>	<p>TOR Submitted but no response received</p> <p>Submitted to HPM Task Force on Children in State Care</p> <p>Child Justice Plan of Action being reviewed for implementation</p> <p>Recommendation submitted to HPM Task Force on Children in State Care.</p>
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	<p>that children with special needs such as those with attention deficit disorder which is a medical condition, are many times, deemed to be uncontrollable and treated as such.</p> <p>3. The CCPA 2004 limits the time to be spent by children in Places of Safety, to 90 days, but there is no time limit to children in lock up as such it is difficult to hold anyone accountable when a child is help in lock up for extended periods.</p> <p>§ More and more it is being alleged that children are being used by adults to bear and or conceal arms. Strengthening of legislation in this area is urgently needed.</p> <p>§ A review is necessary of the Regulations to the <b>Child Care and Protection Act 2004</b> (Children's Homes). The Regulations speak at length to the Registration process but speaks little to the actual rights of the child to provisions for nutrition, medical care, physical infrastructure, transportation, etc while in the care of the state.</p> <p>§ The <b>Education Act</b> needs to be reviewed as it is outdated. For example, the fine for non-compliance for sending children to school is ten dollars and no mechanisms are in place to identify children not attending school.</p> <p>§ The OCA is urging the relevant authorities to do everything possible to finalize and enact pending pieces of legislation related to the rights and especially the protection rights of children: <b>Sexual Offences Bill</b> including <b>Sex Offenders Register, Child Pornography Bill, Evidence (Amendment) Bill</b>.</p> <p>§ Special provisions need to be made for the intervention of the OCA to protect the rights of children in criminal, property, state or divorce proceedings.</p> <p>§ Review of the <b>Adoption Act</b> and procedures to</p>	<p>Sexual Offences Bill and Child Pornography Bill need to be finalized.</p> <p>Submitted to HPM</p>
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	allow for a thorough yet speedier process. There have been many complaints as to frustration of potential adoptees due to the lengthy process.	Task Force on Children in State Care
	§ Review of the <b>Children Custody and Guardianship Act</b> to allow for the termination of parental rights after a specific number of years.	Submitted to HPM Task Force on Children in State Care
	§ There is urgent need for clarification in the legislation with respect to the length of time children should spend in lock-ups awaiting identification parade.	No response received
	§ Children involvement in the development of pornography has to be tackled at the level of legislation, policy and programming. Urgent finalization of <b>Child Pornography Bill</b> is needed. Such a Bill needs to address the issue of virtual as against real images.	Bill being finalized
	§ It should become mandatory for all relevant establishments and public functions to display notice forbidding children under age to be served intoxicating liquor or tobacco. Where there is a failure to comply, and intoxicating liquor or tobacco is sold to minors there should be the sanction of the withdrawn of the respective licence.	No response received
	§ It is being recommended that the finalization and enactment of the <b>National Disability Act</b> which seek to bring national legislation in line with UN Convention on the Rights of Persons with Disabilities be treated with urgency (refer to page 13 of Annual Report).	Finalization being undertaken

## 6. CONCLUSIONS

In spite of the many challenges from the environment, internal and external, the OCA will continue to do all in its power to protect the rights of the children in Jamaica. It is hoped that this will not only be read but will be used to inform decision making and as an advocacy tool for children.

It was very disappointing to realize through recent experiences that so many persons were unaware of the contents of the previous Reports. The OCA is hoping that in the near future it will be provided with a Public Relations Officer who could help to keep the public more informed of its activities. Such a person would also help to keep threats to the rights of children in the public arena.