



# ANNUAL REPORT 2012—2013





# Annual Report 2012/2013

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Office of the Children's Advocate (Jamaica)



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April 04, 2014

The Hon. Michael Peart, MP  
Speaker of the House of Representatives  
Houses of Parliament  
81 Duke Street  
Kingston

The Hon. Floyd Morris  
President of the Senate  
Houses of Parliament  
81 Duke Street  
Kingston

Honourable Gentlemen:

**RE: Annual Report for the Office of the Children's Advocate (OCA):**

**Fiscal Period April 2012 – March 2013**

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In accordance with Paragraph 21 of the First Schedule to the Child Care and Protection Act I have the honour of submitting to the Parliament the Annual Report for the fiscal period ending March 31, 2013, both in hard and soft copy on compact disc. The financial statements as at March 31, 2013 which have been duly audited by the Auditor General's Department are also included.

Yours truly

Diahann Gordon Harrison (Mrs)

**Children's Advocate**





# Glossary of Abbreviations

CCPA	Child Care and Protection Act
CDA	Child Development Agency
CIDA	Canadian International Development Agency
CRC	Convention on the Rights of the Child
CUSO-VSO	Canadian University Services Overseas-Volunteer Services Overseas
CVSS	Council of Volunteer Social Services
DCS	Department of Correctional Services
GOJ	Government of Jamaica
ISPCAN	International Society for the Prevention of Child Abuse and Neglect
JCF	Jamaica Constabulary Force
LAC	Latin America and the Caribbean
NCYD	National Centre for Youth Development
OAS	Organization of American States
OCA	Office of The Children's Advocate
OCR	Office of The Children's Registry
PIOJ	Planning Institute of Jamaica
UNHCR	United Nations High Commissioner for Refugees

## OUR VISION

Children in Jamaica enjoy their rights to survival, development, protection and participation, as well as consideration of their best interests at all times.



## OUR MISSION

We are committed to promoting the rights and best interests of children through vigilance, strategic partnerships and the provision of timely, efficient and quality service to all our clients.



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## Message from the Children's Advocate

This reporting period can best be described as the maiden voyage as directed under my stewardship in the capacity as Jamaica's second Children's Advocate having taken office on January 9, 2012. As with most transitions, I assumed office at a time when many were pregnant with anticipation about the role that the new Advocate would play in the child protection sector and how the Office of The Children's Advocate's position may change on a number of key issues affecting our children. I came to the post fully aware of all the many issues, both those stated and unstated, and of the urgent need to continue to progress the OCA in its bid to safeguard children's rights and to be the champion on behalf of all categories of children who may be within the island of Jamaica at some time or the other.

This task may be perceived as an unenviable one, and some may say as an undoable one; for my part, I say it is a necessary one and represents a critical role within the social fabric of our nation. To this end, one of my primary objectives was to embrace a very vigorous public education initiative which sought to begin a public conversation with all Jamaicans, to include children, which would cause them to recognize and understand the importance of this issue to our very existence and our ultimate growth as a people. The way in which a nation treats its children, is indicative of the soul of that nation and the type of nation that it will become in generations to come.



As with everything, it was not smooth sailing. There were high points and there were challenging times. Some of the high points can easily be recounted as including the passage of the Sexual Offences (Registration of Sex Offenders) Regulations 2012 in December 2012 with the significant inclusion that where the victim is a child, the Children's Advocate must be advised of the fact of the registration of the convicted offender. Other highlights also include the amendment to the Evidence Act to allow the video recorded evidence of vulnerable witnesses (of whom children are a part), as well as the use of live link in their testimonies in court proceedings. The OCA's first ever collaboration with the South African High Commission in Kingston

to commemorate the inaugural celebration of Nelson Mandela Day on July 18, 2012 was also of seminal importance as this saw the OCA engaging with others to bring this well-loved and celebrated icon's compassion to a number of children in different circumstances all over Jamaica.

On the side of the challenges, was the very alarming reality that the number of complaints of alleged abuses which emanated from our schools exceeded all other categories of reports against relevant (government) authorities that the OCA received. Needless to say, this was quite sobering. The high instances of parental neglect and violence against our children were also of concern for the OCA and re-focused the OCA's resolve to respond effectively to actual cases received by the organization as well as to continue with its public education campaign in a bid to increase the awareness of these issues in

the minds of those who interface with children in whatever capacity.

Other challenges which continued to plague the OCA's efforts during the reporting period relate to the insufficient number of staff provided to the OCA to do its job. I found myself having to conceptualize various coping strategies and imploring the staff to go above and beyond the call of duty even as I was painfully aware that they, like I, were stretched as we all sought to get the job at hand done. Three (3) legal officers simply cannot fulfill the needs of all children in all fourteen (14) parishes, in all the various courts that may sit in each parish, from Monday to Friday of every week in addition to the discharge of their other core functions. This is but one example of the gross insufficiency with which the OCA has been coping and serves as the justification for the increased establishment that I have been making representation for if the office is to seriously and effectively fulfill its role.

Another major challenge for the OCA is the extent to which its role is misconstrued and the correspondingly flawed expectations that persons in almost every quarter seem to harbour. It is not unheard of, for example, that the OCA should be arresting those persons who abuse our children – we are not law enforcement officers, nor do we have the power of arrest. Likewise, we have been confused time and time again with the CDA or the OCR; many believe we fall within the same Ministry and often fail to recognize that The Office of The Children's Advocate is a Commission of the Parliament and really is the *de facto* regulator of the child protection sector, a role which hitherto has not been fully embraced by the OCA. In order to correct this, several preparatory actions have been pursued within this financial year which should put the OCA in a position to actively discharge its functions within this sphere.

Despite these challenges, however, the OCA remains a credible organization that is serious about its statutory mandate and is a pioneer in the child protection landscape in Jamaica and the Caribbean. The OCA is staffed by a committed workforce that has a passion for protecting children and an unyielding resolve that the rights of our children are second to none and must be advanced with vigilance. I deem it a privilege to serve in this way and thank my staff for their continued efforts.



# CHAPTER 1

*Introduction to the Report*



# Basic Facts About the OCA

## Organizational Structure and Staff Compliment

### The Guiding Principles of the OCA

The core values that guide the operation of the Office of the Children's Advocate are:

1. Respect for all
2. Professionalism
3. Ethics and Integrity
4. Excellence and Accountability
5. Cooperation and Partnership
6. Clients First

### Role and History of the Office of The Children's Advocate

In keeping with the Child Care and Protection Act, 2004 (CCPA), the Parliament of Jamaica commissioned the appointment of a Children's Advocate who is charged with the responsibility of ensuring that the provision, protection and participation rights of children are promoted, enforced and protected. The Act further provides that such other officers are to be employed to the Office of the Children's Advocate to support the Advocate in performing her functions.

The Office of The Children's Advocate (OCA) was established in February 2006 as a Commission of the Jamaican Parliament. This means that the OCA does not fall within a Ministry of Government and that the Children's Advocate reports directly to the Parliament.

In keeping with the Child Care and Protection Act, 2004 (CCPA), the Parliament of Jamaica commissioned the appointment of a Children's Advocate who is charged with the responsibility of ensuring that the provision, protection and participation rights of children are promoted, enforced and protected. The Act further provides that such other officers are to be employed to the Office of the Children's Advocate to support the Advocate in performing her functions.

- i. The staff complement of the Office of The Children's Advocate remains quite small despite moderate growth when compared with previous years. During the reporting period the total staff compliment stood at twenty-four (24) individuals who continued to make efforts to contribute to the pursuit of the overall mandate of the OCA. While the numbers have increased, human resource challenges persist as many of the departments within the organization are required to deal with a large number of matters but are inadequately populated with requisite personnel to fulfill the duties assigned. The following

examples should assist in illustrating this concern:-

There are four (4) investigators who are tasked with the responsibility of conducting

investigations across the entire island. At the same time, it is these very investigators who operate an island-wide Inspectorate of all child care facilities [Children's Homes & Places of Safety (both public and private), Juvenile Correctional & Remand Centres, police lock-ups in which children are held] with a view of monitoring the manner in which children are treated in these institutions. Often times, due to the lack of sufficient time during the regular work week, the investigators conduct these inspections on the weekend; for this, there is no monetary compensation. Additionally, because there is only one member of staff in the Public Education & Special Projects

Department(s), our investigators also assist with the making of presentations and the attendance at various fora. Another issue which impacts the investigators is the absence of an on-staff psychologist to assist with necessary crisis intervention with our clients and in some instances counselling support for these children. In some instances, our investigators also have to assume this responsibility. Of course, this affects the ability of the investigator to focus on his/her core functions and affects the resolution rate of cases.

- ii. There are three (3) Legal Officers on the Establishment whose case load(s) continue to grow. These attorneys-at-law sit on various Steering Committees and Working Groups which focus on areas relevant to the well-being of children. These range from the Early Childhood Commission, the National Task Force on Trafficking in Persons and the National Diversion Policy to name a few. They too have to assist in the area of Public Education, not only because of insufficient staff in the Public Education & Special Projects Departments, but in some instances the nature of the OCA's involvement requires someone with a legal background. In addition to these activities, is the performance of their core function to provide island-wide legal representation for children in the several courts of Jamaica, to institute civil proceedings where appropriate, to provide legal opinions for the courts and to provide legal guidance to the investigators within the OCA with the aim of promoting the quality of the investigations conducted by the Office.

This reality, coupled with the Children's Advocate's view that the organizational structure is a flat one that does not allow for

professional growth and career advancement within the OCA, led the Advocate to initiate a comprehensive restructuring exercise of the entire organization. It is hoped that with this overhaul of the human resource component, staff members will be motivated towards greater degrees of contribution(s) and will be given the necessary support that will enable them to preside over more practical case loads and to improve the rate at which cases are resolved. Key to the success of any entity, is the level of job satisfaction that members of the organization experience.

An analysis of the classification and levels of the various posts attached to the OCA's Establishment revealed that the post levels as they had been originally created from the outset in 2006, were particularly low; a direct corollary of this was that the remuneration levels were equally low and this has made it difficult for the OCA to attract and maintain technical persons with the necessary skill set over any sustained period. The Advocate resolved during the period that the restructuring must be an urgent priority and is convinced that the overall benefit of this should assist the OCA to be true to the mandate with which it has been tasked and position the Office to be more impactful and more relevant in the future.

Below is a summary of the approved staff compliment for the period under review:

- i. Children's Advocate (1)
- ii. Deputy Children's Advocate (1)
- iii. Legal/Policy Officers (3)
- iv. Senior Investigator (1)
- v. Investigators (3)
- vi. Intake Officer/Counselor (1)
- vii. Manager- Public Education and Special Projects (1)
- viii. Accountant (1)
- ix. Information Technology Officer (1)

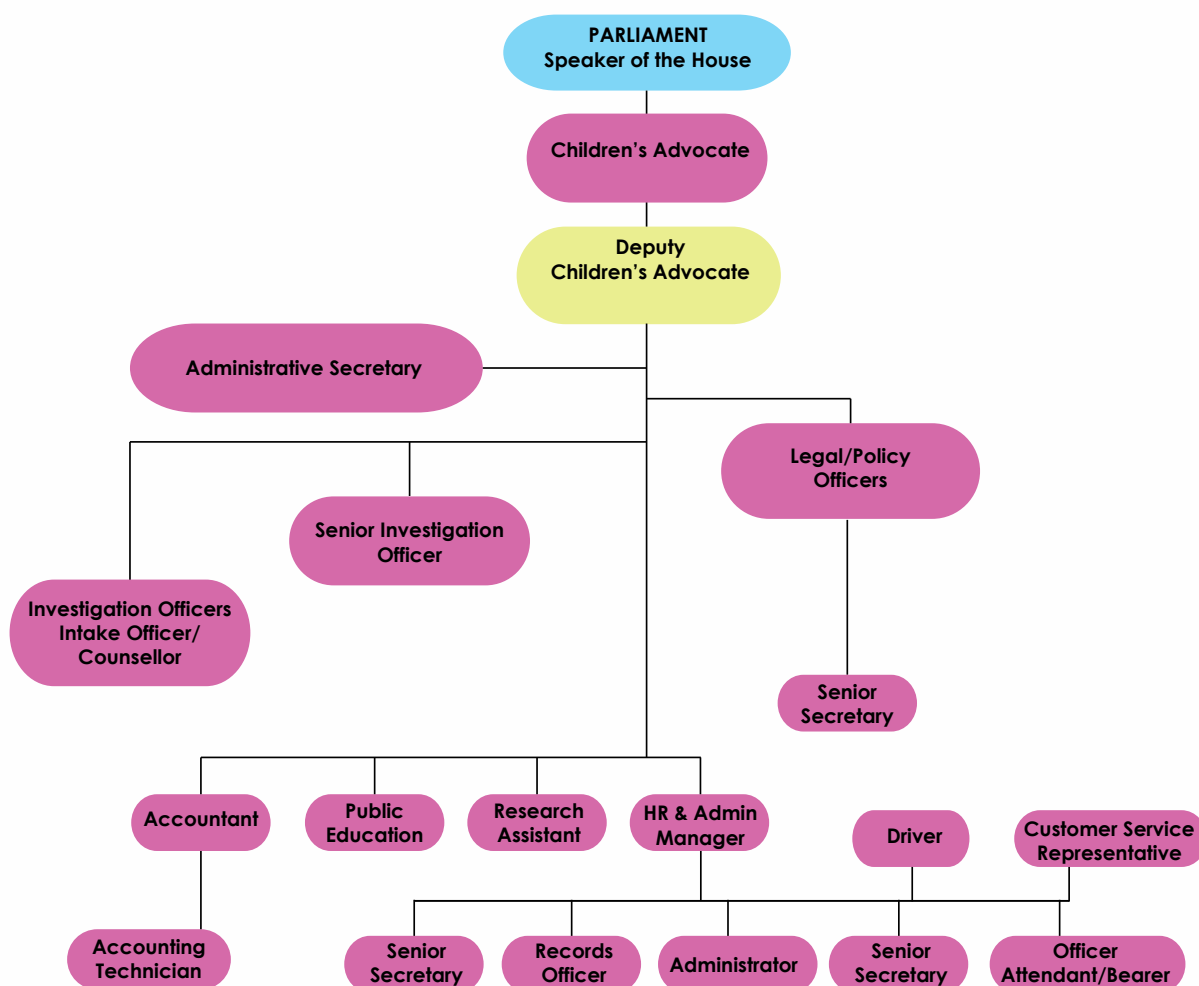


- x. Research Assistant (1)
- xi. Human Resources Manager (1)
- xii. Administrator (1)
- xiii. Records Officer (1)
- xiv. Accounting Technicians (2)
- xv. Administrative Secretary (1)
- xvi. Senior Secretaries (2)
- xvii. Customer Service Representative (1)
- xviii. Office Attendant/Bearer (1)
- xix. Driver (1)

one (1) of those posts is currently filled due to an absence of adequate office space for the additional technician to be appointed. The same reason lies behind the OCA's failure to fill the post of the Records Officer. This reality has caused the Children's Advocate to relentlessly intensify the efforts of the OCA to secure additional office space which once secured, would not only allow the Office to fill these positions, but it would also cause the present members of staff to operate in a more comfortable atmosphere and should optimize individual efficiencies.

It is to be noted, however, that despite having posts for two (2) Accounting Technicians, only

## Organizational Diagram



## The Core Responsibilities Of The OCA

Section 4 of the Child Care and Protection Act (CCPA) established a Commission of Parliament known as the Children's Advocate and outlines the core responsibilities with which the Advocate is tasked. This section provides, inter alia, as follows:-

1. For the purpose of protecting and enforcing the rights of children, there is hereby established a commission of Parliament which shall be known as the Children's Advocate.
2. The provisions of the First Schedule shall have effect with respect to the constitution and functions of the Children's Advocate.
3. Where in any proceedings a child is brought before the court and it appears that 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;
  - (b.) If the court thinks fit, adjourn the proceedings until such time as the court considers sufficient to allow for, as the case may be –
    - (i) The Children's Advocate to consider the case; or
    - (ii) the necessary arrangements to be made for the child to obtain legal representation pursuant to the legal aid certificate; and
  - (c.) cause to be delivered to The Children's Advocate a notice of its determination under this section.

It is of particular significance to note that Section 4(3) of the principal Act, also mandates that where in any proceedings a child is brought before the court and it appears that

the child is in need of legal representation, the court has an obligation to bring the matter to the attention of the Children's Advocate or to ensure that an assignment is made to the child by way of a legal aid certificate. The objective of this provision is to ensure that children are afforded every legal protection of their rights as well as insulated from the risk of being exposed to any adverse findings without having the benefit of counsel. As the figures will show in subsequent parts of this report, there are many instances in which children go through the justice system without any such referral being made to the Children's Advocate; this is particularly true where the child appears before the court for a status offence, for instance, where it is alleged that the child is "uncontrollable."

Part II of the First Schedule of the CCPA is the relevant portion for these purposes and as a consequence, it is important to focus on what this Part provides. According to this Part, the functions of the Children's Advocate are as follows:

- To keep under review the adequacy and effectiveness of law and practice relating to the rights and best interests of the child as well as the adequacy and effectiveness of services provided for children by 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.
- Take reasonable steps to ensure that children are made aware of the functions and location of the office of the Children's Advocate and 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 in relation to how the Children's Advocate exercises her functions under this Part.

for the fiscal year 2012/2013 identified the following five (5) strategic objectives for the period:-

**The Children's Advocate also has the discretion to:**

- Provide assistance (including financial assistance) to a child in making a complaint to, or against, a relevant authority
- Conduct an investigation into a complaint made by a child, or on the child's behalf by his or her parent, guardian, or any other individual who has the child's best interest in mind
- Consult with relevant bodies in issuing guidance on best practice in relation to any matter concerning the rights or best interests of children
- Bring proceedings, other than criminal proceedings, involving law or practice concerning the rights or best interests of children in any court or tribunal
- Intervene in any proceedings (including criminal proceedings) before a court or tribunal, involving law or practice concerning the rights or best interests of children
- Act as a friend of the court (*amicus curiae*) in any proceedings involving law or practice concerning the rights or best interests of children.

## STRATEGIC OBJECTIVE #1

*"To review and monitor law, practice and services which impact upon children in order to ensure their relevance and effectiveness in protecting and upholding the rights and best interests of children and where necessary, to give advice and recommendations in this regard."*

In pursuit of this objective, various representatives of the OCA did extensive travelling to a number of residential child care institutions (both private and public), police lock-ups where it was alleged that children were being held, juvenile remand and correctional facilities and other environments in which children may be accommodated from time to time. These visits concentrated on detailed inspections of these institutions which aimed at ensuring that certain minimum acceptable standards for the treatment of children were maintained. The guide for the OCA in this regard was Section 62 of the CCPA in conjunction with the various international conventions and optional protocols which identify universally accepted minimum standards which ought to be observed in relation to children in residential care.

## Strategic Direction and Focus of the OCA

As with previous years, the Office of The Children's Advocate (herein after called "OCA") sought to align its core strategic objectives with the stipulations of the CCPA in a bid to ensure compliance with its statutory mandate. Accordingly, the Operational Plan

Some areas which received attention in these inspections included the training in child care provision of relevant staff members in these facilities; the physical environment with a focus on hygiene, appropriate spaces for recreation & suitable places for study; incidents of physical abuse; and safety issues.



To further streamline this function of the Office, The Children's Advocate implemented an Inspections Roster which had each of the four

### *Formalized Inspectorate*

*"To further streamline this function of the office, the Children's Advocate implemented an Inspections Roster which had each of the four (4) investigators being assigned to a particular institution for (unannounced) inspections to be conducted on a specific date and for a report to be subsequently generated."*

(4) investigators being assigned to a particular institution for (unannounced) inspections to be conducted on a specific date and for a report to be subsequently generated. The findings documented in such a report would inform next steps of the OCA in relation to the entity in question.

Additionally under this Strategic Objective, the OCA participated heavily in several inter-sectoral committees and working groups and through these avenues was able to contribute to, and be informed about, the status of some of the services offered to children in various sectors, both throughout the various arms of the government and within the non-governmental sector. Some of the more critical performance indicators and subsequent achievements associated with Strategic Objective 1 include:

- Participation in the Inter-Ministerial Working Group on Children in Detention. This Group's *raison d'être* was to improve the coordination among the various players within the relevant Ministries/ Departments/Agencies of Government in a bid to ensure that children who were placed in police lock-ups were removed

in a timely fashion and to have a settled approach being adopted towards all those children who came into conflict with the law.

- Consistent advocacy for the urgent need to implement certain legislative amendments and regulations which treat with the protection of children. Amendments to the Evidence Act which allow for the use of video link and the video recorded evidence of children; the passage of the Committal Proceedings Bill which will abolish preliminary enquiries; and the implementation of the Regulations governing the Sex Offender Registry provide good examples. In addition to public advocacy on these issues, technical comments, advice and recommendations were made to the Minister of Justice on these specific pieces of legislation.

*The Children's Advocate was appointed by the Minister of Justice, Senator the Honourable Mark Golding, to chair the Working Group for Audio-visual Technology in Receipt of Child Evidence.*

- The Children's Advocate was appointed by the Minister of Justice, Senator the Honourable Mark Golding, to chair the Working Group for Audio-visual Technology in Receipt of Child Evidence. This provided a direct avenue through which the Advocate was able to proactively contribute to the legislative agenda as the core function of the Working Group

was to provide guidance which would inform the drafting instructions for the Regulations to the Chief Parliamentary

Counsel.

- The development of Child Justice Guidelines which will inform stakeholders who interface with children who come into contact with the justice system about the rights to which these children are entitled and the principles which ought to govern the manner in which they interact with these children. The aim of these Guidelines is to standardize the service delivery and treatment of these children in whatever capacity, by those who work within the justice system. The OCA's Child Justice Guidelines provide practical principles and approaches that should be adopted by members of the Judiciary, the Magistracy, the Jamaica Constabulary Force, prosecutors, defence counsel and any other professional who must interface with any child at any level in the justice system.

Jamaica across all sectors, despite the child's financial or social circumstances, or whether the child is in need of care and protection or not; it is the OCA which is the "conscience" of the Government and all service providers to children, including the other agencies involved in the child protection sector. In practical terms, therefore, this means that the OCA regulates the other players within the sector, including the CDA and the OCR. The year under review saw distinct efforts being made to re-brand the OCA and to embrace innovative ways of doing this. Some of the performance indicators and strategies employed in this task included:-

- The designing and printing of vibrantly coloured brochures, pamphlets, posters and a vertical banner which were not only attractive and reader-friendly, but were also quite informative. Each publication targeted a different audience and sought to highlight key aspects of the OCA's role as well as important aspects of child rights.
- Seven (7) public service announcements (PSAs) which highlighted different aspects of the Convention of the Rights of the Child and the CCPA were developed for radio and aired on all the major radio stations throughout the year in review. These PSAs featured well-known Jamaicans who donated of their time and collaborated with the OCA in this effort. They were the Most Honourable Portia Simpson Miller, Prime Minister of Jamaica; Mr. Andrew Holness, Leader of the Opposition; Reverend the Honourable Ronald Thwaites, Minister of Education; Honourable Lisa Hanna, Minister of Youth & Culture; television personality Kerlyn Brown; and performing artistes Shaggy and Queen Ifrica.
- Another PSA was developed for television concerning the issue of child abuse and the need for prescribed persons to lodge reports once they become aware of a

## STRATEGIC OBJECTIVE #2

*"To Intensify the Public Education Campaign on the Rights & Best Interests of Children and on the Role and Functions of the OCA within a Consultative Framework."*

The driving force behind this objective was the burning desire to inform all Jamaica about the roles and functions of the OCA and also to maintain in the minds of children and the general Jamaican public, the relevance of the OCA to the protection of children and their rights. Much confusion exists within the public domain as to the different roles played by the various government agencies within the child protection sector. The OCA is the Commission of Parliament with overarching responsibility for the protection of every child's rights in

potentially dangerous situation which has, or may, impact a child or put a child at risk. This was produced and aired on Television Jamaica (TVJ) and Jamaica Information Service (JIS) TV.

- The mounting of super boards and electronic tri-media signs both in the Corporate Area and rural Jamaica.
- The re-design of an OCA website with emphasis on its interactivity, the breadth of information available on the site and its child friendly nature.
- Employed the use of social media as a means of interacting with children (especially the teenagers) as well as the general public. This saw the creation of an OCA Facebook page as well as a Slide Share account; of course these initiatives were in addition to the continued use of traditional media outlets.
- Various consultations and public education sessions were held with children within Places of Safety & Children's Homes; children in the care of the Department of Correctional Services; those in institutions of learning and a wide cross-section of communities and faith based organizations, both rural and urban.
- Regional sensitization sessions and workshops were held across the island with professionals and employees within the health care system and the education sector about their roles and responsibilities as prescribed persons under the CCPA. These workshops were executed in collaboration with the Ministry of Justice and impacted approximately one thousand (1000) of these professionals.



## STRATEGIC OBJECTIVE # 3

*"To accurately record and track complaints received on behalf of children & to conduct thorough investigations in a timely manner with the objective of providing redress to our clients and holding persons accountable for transgressing children's rights where possible."*

The OCA considers the role of its Investigations Department as being of tremendous importance to the overall effectiveness of its work. Indeed, a recurrent phrase that was used throughout the year by the Children's Advocate, is that this department was the "lifeblood of the OCA" as without comprehensive investigations and solid findings, the OCA may be in situations where it is hard pressed to act decisively because of an absence of concrete evidence on which to ground consequential responses. If this aspect is satisfactorily dealt with, then the level of the OCA's service delivery to its clients (the children) will correspondingly be satisfactory. Of equal importance, is the need to have a system in place which can accurately record the range of matters with which the OCA treats and the various interventions made by the office in response to these reports/complaints.

The CCPA provides, inter alia, that the OCA may conduct investigations concerning the alleged infringement of a child's rights or best interests, even where that infringement occurs at the hands of a relevant (Government) authority or its representative. To this end, the OCA is quite flexible in the accommodation of complaints and appreciates reports from a number of sources – walk-ins, telephone, e-mail, traditional mail, the media or direct referrals from other agencies. Some of the key



performance indicators and initiatives under this strategic objective head included:-

- The implementation of in-house case conferences for the Investigations & Legal Department(s) where case strategies can be proposed, discussed and developed.
- The establishment of specialist in-house capacity building sessions which included training on investigative techniques and processes.
- Securing external training opportunities for all members of the Investigations Department through collaboration with the Jamaica Constabulary Force and other organizations.
- The implementation of sector meetings for the Investigations Department to facilitate the ventilation of issues that are specific to the work of this department.
- The development and implementation of an Inspections Roster to establish a sustained programme of visits/inspections to various institutions in which children are kept and to facilitate a review/monitoring mechanism of the standards in these facilities.
- The continued update of the Journal and the Register of Complaints in compliance with the CCPA.
- The contracting of an Information Technology Officer on staff to improve the collection of data within the OCA, the review and analysis of such data and the tracking of files handled by the Investigations Department. This addition to the staff occurred in July 2012.

## STRATEGIC OBJECTIVE #4

*"To provide effective legal representation for children in all relevant proceedings and to dispense legal advice and assistance as requested or where the need is identified by the OCA."*

A significant part of the OCA's mandate lies in its ability to provide legal protection and guidance to children in a variety of circumstances. Under the CCPA the Children's Advocate is authorized to initiate proceedings (except criminal proceedings) in any court or tribunal once it is perceived that a child has had his/her rights or best interests impacted negatively and it is appropriate to so proceed. Of relevance too, is that the Advocate may intervene in any proceedings (whether criminal or civil) concerning the rights or best interests of children after having obtained the leave of the relevant court or tribunal. In addition to these activities, the legal officers within the OCA also represent children who are at risk of becoming in conflict with the law during the investigative stages (pre-court); sometimes this extends to the post charge phase as well. To this end, members of the OCA's legal team represent child clients at various Question & Answer sessions, Identification Parades and at bail hearings in court. The wide ambit of the Advocate's responsibilities in the area of legal representation, is illustrative of the vast amount of work with which the three (3) Legal Officers within the OCA must cope. The Legal Officers gave of their best during the year under review and continue to strive to meet the needs of children that become manifestly apparent to the OCA. With the large number of cases that are received by the OCA, however, coupled with the membership of the legal officers on

several technical committees, the need for an increased number of attorneys-at-law cannot be over-emphasized. The following performance indicators and activities summarize the core areas that this strategic objective sought to meet:-

- To honour requests made to the OCA for legal representation of children.
- To be punctual in court attendance where the OCA has an interest and in all tribunals where the OCA represents a child or is watching proceedings on behalf of a child.
- To assess matters that are either referred to the OCA from persons other than the complainant child (or his/her family) or as a result of direct complaints made to the OCA, in a bid to determine whether these properly fall within the jurisdiction of the OCA. Where they do, to ensure that these matters are properly recorded and if they do not, to ensure that a referral is made to the proper agency or the appropriate guidance is given to the particular complainant.
- To provide timely legal advice to clients and to give periodic updates to clients, especially where the process is a protracted and complex one.
- To contribute to the strengthening of the internal mechanisms of the OCA by providing guidance and quality control to the work of the Investigations Department.
- To continue the processing of matters relevant to the Armadale claims that are being pursued by the OCA on behalf of the former wards of the State who were housed at this juvenile correctional facility at the time of the tragic fire. The initial decision to institute civil proceedings against the State in this regard was taken by the former Children's Advocate, Mrs Mary Clarke, and is a process to which the OCA remains committed. During the period under the review, the OCA was

able to identify additional survivors and claims were prepared on their behalf and subsequently filed in court.

## STRATEGIC OBJECTIVE # 5

*"To Maintain and Reinforce an Internal System of Governance and Management within the OCA"*

It is recognized that if the OCA is to successfully fulfill the statutory mandate with which it has been entrusted, it must operate as an efficient and professional organization which adheres to certain standards and principles. In order to reinforce this recognition, emphasis was placed on the need for team members to embrace the vision of professionalism within the public sector. In-house sessions were conducted which underscored the importance of this approach and members of staff were encouraged to strive for excellence in their respective departments. Indeed, so much of a priority was this issue, that the first staff retreat which took place under the stewardship of the current Children's Advocate in November of 2012, had as its theme *Professionalism within the Public Sector*. Additional measures aimed at buttressing this strategic objective included:-

- The implementation of a comprehensive training plan which saw staff members of all departments within the OCA being exposed to relevant training opportunities, both locally and overseas.
- Organizational membership of the OCA to the Jamaica Employers' Federation in a bid to enhance the application of best

practices and the adoption of established work place solutions all geared towards supporting a sound corporate governance structure.

- The recruitment of an Information Technology Officer to assist with the automation of certain processes that were previously manually performed. The target of this initiative is to improve the internal efficiencies of the OCA.
- The development and implementation of case management software that was modified exclusively for the OCA – this software application is called “CAPro” which means the *Children's Advocate Processing System*.
- Continued compliance with GOJ procurement guidelines and reporting requirements.
- The efficient processing of internal claims and external payments by the Accounting Department in keeping with accepted best practices.



# CHAPTER 2

*Situational Analysis*



## A Snapshot of the Situation of Children in Jamaica: Fiscal Year 2012-2013

Internationally, children are considered vulnerable beings as they are at an early stage of life where they are very fragile, impressionable and in need of absolute protection from their immediate care-givers, family and the society as a whole. In Jamaica, the Office of The Children's Advocate has made it our primary duty to ensure that every child in Jamaica, whether born here or not, enjoy their rights to survival, development, protection and participation.

While there were some positives throughout the year under review, some of which have been highlighted in the *Message from the Children's Advocate*, several occurrences over the year have proved to be quite sobering as one retrospectively examines the circumstances and experiences of children in the nation. During the past year, our children's rights to survival, development, protection and participation were threatened by a range of factors. Most profound among these issues were violence and safety concerns, parental neglect, sexual abuse and the detention of children. These issues spanned children in various situations; below is an overview of some of the key areas without which a situational analysis concerning children in Jamaica, would be incomplete.

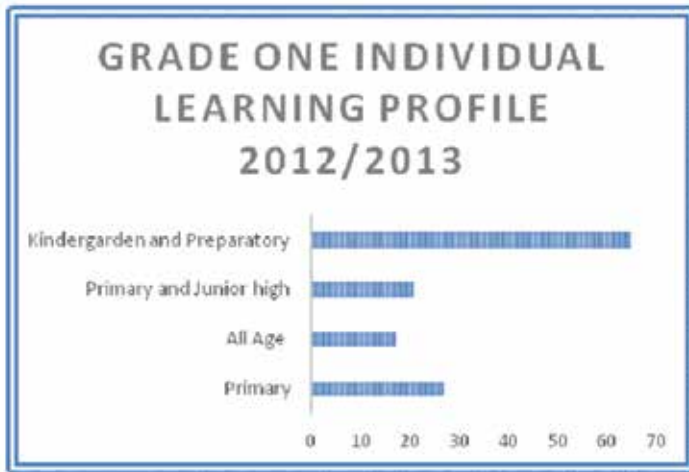
### Review of the Education Sector: 2012-2013

The Education Sector in Jamaica can best be described as undergoing a transformation.

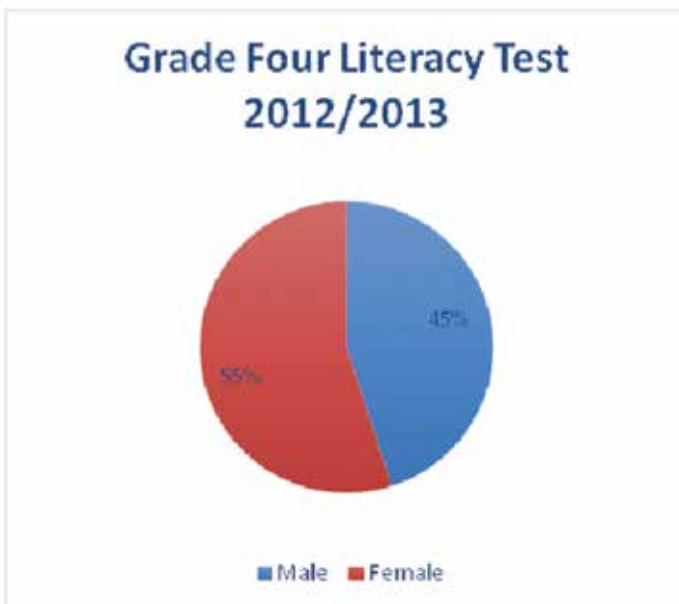
Over time, various strategies have been implemented with the objective of improving the literacy and numeracy skills of the nation's children. An integral part of this approach includes continuous and/or periodic assessment of students depending on the particular educational institution and the age of the particular cohort of students. Each year, children are required to undergo several assessments. Some of the more standardized ones include the Grade One Individual Learning Profile, the Grade Four Literacy Test (GFLT), the Grade Six Achievement Test (GSAT), the Grade Nine Achievement Exams (GNAT), Caribbean Examinations Council (CXC) now recently replaced by the Caribbean Secondary Education Certificate (CSEC), and the Caribbean Advanced Proficiency Exams (CAPE).

**The Grade One Individual Learning Profile** is a tool which is used to measure the level of students' academic progress and their social readiness for a primary level curriculum. Students are assessed in five (5) sub-sets which include reading, number concepts, oral language, writing and drawing; the social readiness component is measured through classroom observation.

For the academic year 2012/2013, a total of 37,381 students were profiled using this tool. The percentage of students who mastered all five (5) sub-sets varied by school type. For Primary Schools 26.9 percent (26.9%) achieved mastery, for All-Age Schools 17.1 percent (17.1%), in the Primary and Junior High Schools 20.9 percent (20.9%), and for Kindergarten/ Preparatory schools 64.8 percent (64.8%) attained mastery status. These statistics indicate quite starkly that students in the Kindergarten/Preparatory School category are out-performing their counterparts in this respect by quite a wide margin.



**The Grade Four Literacy Test (GFLT)** is part of the National Assessment Programme (NAP) under the aegis of the Ministry of Education and was first administered in 1998. For the period under review, a total of 51,955 students sat the Test from Public, Private and Special schools. Of this number, 44,164 sat the Test for the first time (39,801 from public schools, 4,314 from private schools and 49 from special schools). Approximately 74 percent (74%) of the 44,115 students from public and private schools achieved mastery; 19 percent (19%) achieved 'almost mastery' and 7 percent (7%) non-mastery. Of the 32,542 students who achieved mastery, 55 percent (55%) were females and 45 percent (45%) were males.



Fourteen percent (14%), (which in real terms is seven students), of the 49 students from special schools achieved mastery. Fifty-seven percent (57%) of these 'mastery students' were males; in real terms four (4) male students.

Of the 792 schools, 789 entered 39,801 students to sit the GFLT with approximately 72 percent (72%) attaining mastery; some 20 percent (20%) attaining 'almost mastery' and eight percent (8%) non-mastery. The percentage of students achieving mastery during the 2012/2013 academic year increased by three percentage points when compared with the previous year. Of the 28,504 students who achieved mastery, 56 percent (56%) were females and 44 percent (44%) males.

**The Grade Six Achievement Test (GSAT)** is a terminal examination which facilitates the placement of students who have completed their tenure within a primary level institution into a secondary institution. The 2012/2013 Education Statistics published by the Student Assessment Unit of the Ministry of Education showed a moderate improvement in passes over that of the previous years. A total of 43,283 students sat Mathematics; from that total, 22,653 were females while males represented 20,630. Science saw a total of 43,288 entrants, with 22,657 being females and 20,631 being males. Of a total of 43,290 students who sat Social Studies, 22,657 represented females while 20,633 were males. The writing subjects (Communication Task and Language Arts) also fielded a large number of candidates with 43,286 sitting Language Arts and 43,285 sitting Communication Task.

For the period under review, girls continued to out-perform boys in all subject areas across all geographic regions. This conclusion finds root in the fact that an examination of the mean percentage scores reveal that females acquired 69 percent (69%) in Science



compared to males who scored at 67 percent (67%). In Social Studies, the mean percentage score for females stood at 68 percent (68%) with males at 65% while mean percentage for Language Arts, females stood at 67 and males 61.

	Females	Males	National Average
Mathematics	65%	60%	63%
Science	66%	62%	64%
Social Studies	64%	60%	62%
Language Arts	63%	56%	60%
Communication Task	9/12	9/12	9/12

## The Epidemic of Crime and Violence

During the period under review, children in the island were impacted by the scourge of crime and violence as they featured both as victims and perpetrators of violence. It is a fact that the general occurrences within the society provide the context in which children will have their experiences and to a large extent determine how they will respond when faced with certain situations.

### The Child as Victim

Child abuse reports retrieved from the Office of The Children's Registry (OCR) reported that for the period January to December 2012, some eight thousand seven hundred and forty-one (8,741) reports of varying categories of child abuse were logged; this represented an increase of 12% when compared with the previous year. Of the reports received, seven thousand one hundred and eighty five (7,185) represented children who were being reported for the first time. Of this amount, 59% were girls, 40% were boys, and the gender for the remaining 1% was not specified. The majority of cases involved children who were reported as having been neglected, being in need of care and protection, and as having been sexually abused. The diagram below illustrates how these reports were apportioned and visibly indicates that parental neglect is a chronic problem in Jamaica.

### The Caribbean Secondary Education Certificate (CSEC)

is a terminal examination and is usually taken at the end of Grade 11. For the period under review published in the 2012/2013 CXC Annual Report, a total of 292,384 students were entered to sit the examinations; 113,605 males and 178,779 females. Of those who were entered, 273,015 or 93% actually sat the examinations; 104,765 females and 104,765 males. In addition, sixty percent (60%) of the entrants presented in the May/June sitting achieved Grades I to III compared to 69 percent (69%) in the previous year (2011). Another comparison worthy of note is that 49 percent (49%) of the entrants presented in the January sitting achieved Grades I to III, compared with 51 percent (51%) in 2010. This year saw the introduction of Additional Mathematics with 43.1 percent (43.1%) of the candidates attaining passes ranging from Grades I to III.

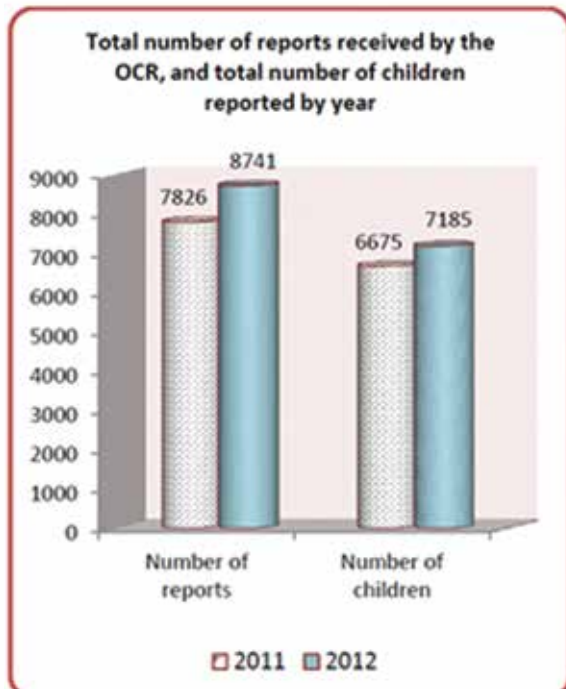


Figure 1: Total reports received by OCR by year-Source, OCR

This is of grave concern to the OCA as this essentially means that parents/guardians who have children in their care are not in fact discharging their responsibility towards these children to provide them with some of the very basic needs or to effectively supervise them. Of course, a direct corollary of this is that it has the potential to leave these children exposed to all sorts of ills which often times have very grave consequences. This reality provides a good opportunity to remind us as a society that the task of protecting the nation's children is a collective one; if parents and guardians are neglecting to care for their own children, children whom they are immediately responsible for, the task that we all have becomes even harder. Parents must recognize that they are accountable and that children need proper guidance if they are to develop and become contributing members of society.

Type of report	Gender of child			Total	% girls
	Male	Female	Unknown		
Physical abuse	1094	1238	10	2342	53%
Sexual abuse	205	2542	9	2756	92%
Emotional abuse	528	755	1	1284	59%
Neglect	2055	2292	81	4428	52%
Trafficking	1	4	0	5	80%
Child labour	92	114	3	209	55%
Exhibiting behavioral problems	1095	1097	11	2203	50%
In need of care and protection	1446	1536	58	3040	51%

Source: Office of the Children's Registry

Figure 2: Total number of reports received by OCR by type of report and gender, January to December 2012

A closer examination of the statistics for the various Quarters within the year shows that for the 2nd Quarter (July-September 2012), the OCR received one thousand nine hundred and seventy nine (1,979) reports of abuses against children. This represented a decline of 21% when compared with the 1st Quarter (April - June 2012). Of the reports received, one thousand six hundred and twenty six (1,626) represented children who were being reported for the first time. Of this amount, 57% were girls, 42% were boys, while the gender for the remaining 1% was not specified. In both Quarters, child neglect featured as the most 'popular' category of reports and accounted for 28% of all reports of child abuse against children. Second to child neglect, were the reports of children who were considered to be in need of care and protection (19%) and children who were reported as being sexually abused (17%).



Figure 3: Map showing the total number of reports received by the OCR by parish of residence of the child, over the period January to December 2012-Source, OCR

When disaggregated by gender, data from the OCR show that for all forms of abuse, girls are more at risk, representing in some instances up to 93% of such reports as in the case of sexual abuse.

## Children in Conflict with the Law (CCL) in Jamaica

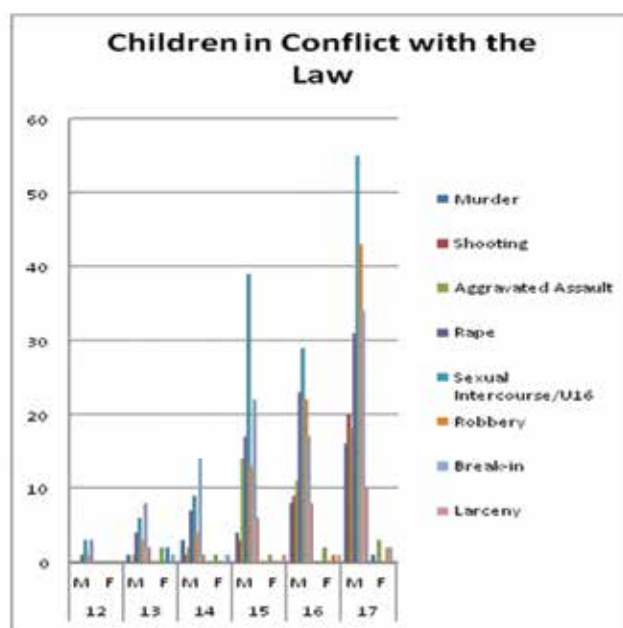
Jamaica's under 18 population continues to conflict with the law in various ways. Data retrieved from the Jamaica Constabulary Force (JCF) indicate that during the period under review, children featured as perpetrators in a wide range of offences and that they ranged from the age of 12 years to 17 years. The offences in which these children were recorded as being the perpetrator during the period under review, are as follows:-

- Sexual Intercourse with a person below 16 Years (formerly known as Carnal Abuse)
- Break-ins
- Rape
- Robbery
- Aggravated Assault
- Murder

For the period, Sexual Intercourse with a Person Under 16 Years accounted for the highest number of cases which featured

children as perpetrators; a total of 143 such matters were recorded. This is followed by Break-ins with a total of 102, and Robbery with a total of 89 such reported cases. In addition, Rape recorded 83 cases against children in this cohort, while Murder and Shooting each recorded 33 cases having been reported that featured children as the perpetrators. Larceny recorded 29 cases.

As it related to age, the information showed that males aged 16 and 17 years committed the most crimes across all categories. Specifically, it was males aged 17 years who committed the most offences over the period. An analysis of the data available indicated that 55 of these 17 year old males were arrested for , Sexual Intercourse with a Person Under 16 years, 43 arrested for Robbery and 34 for Break-ins. In comparison is the situation with regard to females where 3 were arrested for Aggravated Assault, 2 each for Robbery and Break-ins and zero arrests for Shooting and Larceny.





## Status Offences

Uncontrollable behaviour is a status offence under Jamaican law. This essentially means that a child who is designated by a court as being “uncontrollable” can be subjected to a correctional order, which operates like a sentence of the court, without having committed any actual criminal offence. While this is not the only consequence of being designated “uncontrollable”, it is one that the Courts have opted for during the period under review. Of note, is that it was alleged by various interest groups and reported by the media, that uncontrollable behaviour was reported as the most cited reason for a child to be admitted to a juvenile institution. Official data emanating from the Department of Correctional Services (DCS), however, does not support this view and as such caution must be employed if any reliance is to be placed on this claim, which may be more anecdotal

... as of August 13, 2013 Cabinet granted approval for an amendment to the CCPA which would remove the correctional order as one of the options available to the Court where a child is deemed by the Court to be uncontrollable.

than factual. It is worthy of note that as of August 13, 2013 Cabinet granted approval for an amendment to the CCPA which would remove the correctional order as one of the options available to the Court where a child is deemed by the Court to be “uncontrollable.”

## Wards of the State within the Correctional System

Of significance over the period is that 73% of children admitted to juvenile facilities had committed non-violent offences. This is the

highest rate in the last four years, and up 8% since 2011. It is further believed that a lack of diversion programmes which target children, coupled with a comparatively low use of alternative sentences for children by the courts, contributes to the over incarceration of children in facilities that are often hard pressed to adequately deal with the children due to their particular vulnerabilities and needs. As at September 4, 2012, there was a total of 307 boys in the care of the DCS and 144 girls; this is to be contrasted with the figures as at December 2012 at which time there was a total of 257 boys in the care of the DCS and 97 girls. The disaggregated data by institution is as follows:

### Fort Augusta Adult Correctional Centre

This facility housed females, both adults and children during the time of this review and could adequately house a total of 250 persons. In September, however, the facility had a total muster of 293 persons; 219 were adult inmates and 74 wards of the State. In December, the number of wards stood at 41.

### Horizon Adult Remand Centre

As the name indicates, this facility was originally one established to house adult male remandees while they awaited trial. Due to the absence of a female juvenile remand facility, however, Horizon (as well as Fort Augusta) was used as *de facto* remand facilities for girls. [The establishment of the South Camp Facility for girls which is mentioned in other parts of this Report, effectively solved this problem].

At the time of review, Horizon had a total muster of 451 in September; 421 were adult males and 30 were female wards of the State. The figures recorded in December thankfully reflected that the number of wards in the facility had decreased to 17; an almost 50% reduction. The ideal capacity of this facility stood at 1036.



### **Diamond Crest Juvenile Correctional Centre**

This facility was a correctional one for girls that was situated in rural Jamaica at quite a remote location. At the time of review in September, there were 40 girls on correctional orders at the institution which corresponded exactly to the total capacity that the facility was equipped to house. The figures in December did not reflect much variation as the number had only decreased by one and stood at 39.

### **Hill Top Juvenile Correctional Centre**

Hill Top is one of the facilities which houses male wards and is a maximum security facility located in the parish of St. Ann. The institution has the capacity to house a total of 98 wards. In September the facility had 69 wards who were occupants and in December this number experienced a slight increase to 77.

### **Rio Cobre Juvenile Correctional Centre**

This is the other of the two correctional facilities that houses male wards and is a medium security institution that is located in the parish of St. Catherine. It has an ideal capacity of 120 and at the time of review had a muster of 103 wards in September, and 108 in December.

### **Metcalf Street Juvenile Remand Centre**

This facility serves boy detainees who are in conflict with the law and is the most recent of the facilities for wards within the correctional system. It was a welcome addition to the cohort of institutions and boasts some of the most modern amenities. The ideal capacity is 208 and at the time of review had a muster of 135 boys. As with most remand facilities, this number fluctuates on a weekly basis. This reality is portrayed by way of a comparison between September and December 2012. In December, the numbers had dipped to 68 boys on remand along with another 4 who had

received correctional orders from the court and were awaiting transfer to a correctional facility.

## **Children in Police Custody**

The information on children in police custody was compiled using data provided by the Detention and Courts Division of the Jamaica Constabulary Force and covers the three (3) month period spanning October 19, 2012 to January 25, 2013. The total number of children held in police custody in Jamaica over this period was one hundred and sixty (160), of which 11% were females. The OCA seeks to tackle this issue on a weekly basis when the list is provided by the police. The entire list is reviewed by the OCA's Intake Officer and contact made with the relevant police station(s) to enquire into the circumstances of the child's detention. This information assists the OCA in determining the appropriate course which ought to be pursued. In some instances the OCA will intervene by making *habeas corpus* and bail applications before the court when necessary, or by making representation to the police to have the child removed to a more appropriate facility or even into the care of his/her parents, once this is appropriate and no adverse risk would result having regard to all the circumstances.

### **Situations during the period under Review**

*Alleged suicide of 16-year old ward of the State, Vanessa Wint, who died while being held at the Horizon Adult Remand Centre in November 2012.* The OCA is the Commission of Parliament that is charged with conducting

investigations into circumstances in which result in harm coming to a child, especially where that child is within the care of a relevant authority. In keeping with this responsibility, the OCA commenced an independent investigation into the circumstances

*"Alleged suicide of 16-year old ward of the State Vanessa Wint who died while being held at the Horizon Adult Remand Centre in November 2012"*

surrounding her death in November 2012 and completed this investigation in March of 2013. Consequent upon the OCA's findings, the Children's Advocate referred the matter to the Special Coroner for a Coroner's Inquest to be held to determine whether Vanessa died as a result of an act or an omission by an agent of the State. The matter was also referred by the OCA to the Director of Public Prosecutions for her to rule if anyone was criminally liable for the teen's death. The Children's Advocate also highlighted some critical observations to the then Commissioner of Corrections, Lieutenant Colonel Sean Prendergast, and made a number of recommendations to him concerning the circumstances of the wards of the State that were being housed at the Horizon facility. These recommendations centred around the need for an established protocol within the Department of Correctional Services which would guide the process when a ward is said to be exhibiting signs of self-harm and the urgent need to remove these wards from an adult correctional centre.

### **New South Camp Road Facility**

While this development occurred in a subsequent reporting period, its relevance to this Report is evident. As of September 2013, all female juveniles are now being housed at the renovated South Camp Road facility in St. Andrew. Female juveniles who were previously housed at the Diamond Crest Juvenile Correctional Centre and the Fort Augusta Adult Correctional Centre were relocated to South Camp Road. The National Security Minister, The Honourable Peter Bunting, MP, has commented that this move fulfilled a commitment which he gave during his contribution to the Sectorial Debate in Parliament in June 2013. Minister Bunting had indicated then that by year end, (that is December 2013) there would be a complete separation of juveniles from adults within the correctional system. The OCA sees

the segregation of children from adults within the correctional system as a huge step in the right direction which must be applauded and is hopeful that some of the other deficiencies which still exist will be addressed in like manner. Of course, the OCA will continue to advocate for these changes with the policy makers and the key individuals within the various relevant authorities who can implement the necessary changes which remain a priority.

## **Health Matters**

### **Birth and Mortality Rates**

The Economic and Social Survey published in 2012 by the PIOJ showed that for the period under review, Infant Mortality stood at 15.4/1000 live births. For the period, the birth rate stood at 17 per 1000 mean population and a total fertility rate of 2.4 births per 1000 females in the 15-49 age group. There have been some improvements in this area but there are still challenges faced in this regard. Life expectancy stood at 74 years while the maternal mortality rates for death of the child during birth stood at 94 per 100,000. Information gathered from the Statistical Institute of Jamaica (2013) showed that the birth rate in 2012 stood at 39, 348.

### **Children's Hospital**

Healthcare in Jamaica is free to all citizens and legal residents at government hospitals and clinics; this includes the administering of prescription drugs. The Bustamante Hospital for Children is the only specialist hospital for children in the English-speaking Caribbean and caters to patients from birth to twelve (12) years. As of December 2012, the staff compliment was recorded at 679, bed capacity at 283 with an annual patient load

of approximately 77,000. While this hospital seeks to cater to the needs of children island-wide, the disparity between the approximate number of patients and the persons who staff the facility is indicative of the great strain under which the hospital operates.

## General Statistics

Information gathered from the Child Development Agency (CDA) revealed that for the period under review approximately 6000 children were being cared for by the State. As it relates to children in child care facilities (Children's Homes and Places of Safety), that figure stood at 2,500 while it was estimated that as at December 31, 2012, approximately 347 children were in Correctional Facilities. Of that figure, there were 269 boys and 78 girls (between 25 -30% of this number were deemed "Uncontrollable"). In addition, roughly 73,000 children on the island were documented as being orphans during the period under review.

## Missing Children

More than 85 per cent (85%) of children reported missing were further reported to have returned home. Data indicates that 1,297 of the 1,518 children reported missing over the period have been successfully reunited with their families. This information is often not well known as many times when a child has returned home, updates are not given within a timely fashion and the data (when acquired) is not routinely publicized.

*...as at December 31, 2012, approximately 347 children were in Correctional Facilities. Of that figure, there were 269 boys and 78 girls (Between 25 -30% of this number were deemed "Uncontrollable"). In addition, roughly 73,000 children on the island were documented as being orphans during the period under review.*





# CHAPTER 3

Highlights from the Legal/Policy Department



*All activities contained herein, summarize the representation and interventions made on behalf of children by members of the Legal/Policy Unit within the OCA.*

The Legal Unit is guided by three (3) overarching strategic objectives:

- i. to provide legal representation for children as requested or in keeping with an identified need;**
- ii. to provide legal guidance and quality assurance in matters affecting children which are being pursued by OCA investigators, and**
- iii. to review and monitor existing laws, policies and services with the aim of ensuring their relevance and effectiveness in protecting the rights and best interests of children in Jamaica.**

Against the background of these strategic objectives, throughout the period under review, the work of the Department sought to attain certain key outputs all of which featured the need to be responsive to the OCA's client base, the need to render full cooperation and assistance to the courts, and the need to process matters thoroughly and with a degree of consistency, efficiency and accuracy.

As with previous years, the 2012 to 2013 fiscal period kept the Legal/Policy Officers extremely busy. Over this period, however, there seemed to be an increased reliance on the OCA to intervene in a wide cross-section of matters before the Courts. For its part, the OCA welcomed this as it not only reinforces the relevance of the OCA's role as the premier institution for the protection of children's rights, but it also signals a recognition by stakeholders within the justice sector, about the importance of the need for a specialized approach to the issue of child rights preservation. For the Legal Department to further cement its reach and

its ability to more effectively protect the legal rights and interests of a greater number of children, the OCA needs to have an increase in its Establishment which would allow for the total number of Legal Officer positions to be increased from the three (3) which now exist, to a number which can realistically enable the Office to properly discharge the statutory mandate that it has been given. While the Office has developed coping strategies, it is simply impractical for three attorneys to address the island-wide need that exists, especially as it concerns special on-going cases such as those related to the Armadale Fire Victims and the victims of the St. Andrew College drowning.

**For the period dated April 2012 to March 2013 the following activities were undertaken:**

## Interventions into Criminal Proceedings

### Children as Perpetrators

- Our Legal Officers acted *amicus curiae* in cases in which children had been charged and were placed before the court for the offences of Murder, Robbery and House-breaking & Larceny.
- Legal Officers appeared on behalf of children who were charged with offences ranging from Assault Occasioning Bodily Harm, Unlawful Wounding, Indecent Assault, Assault of Police Officers and Resisting Arrest. In some instances bail applications were made by the OCA's legal team, pleas in mitigation were made in others, while in some full representation was provided by the OCA in the substantive trial.
- Provided legal representation for children charged with Possession of Offensive

Weapons and Possession of Ganja.

- Received sixty-one (61) new matters within the period in which there were requests for legal representation to be provided for children who were before the court for varying offences. Twenty-five (25) of this number were referred to the OCA from the Courts while the others came to the attention of the OCA through a variety of methods. Despite the meagre legal staff, the OCA's Legal Officers were themselves able to accommodate and respond positively to all these requests, save for nine (9) of the matters which could not be accommodated due to previous court commitments in other parts of the island. In these instances, the OCA made representation to the Legal Aid Clinic and the Legal Aid Council and secured assistance for the children in this way.



- Appeared for children who had been apprehended on suspicion at the pre-charge stage and where necessary made *habeas corpus* applications in court for them to either be brought by the police to face the court or to be released. In

some instances too, it was necessary for the OCA's Legal Officers to represent these children during Question & Answer session(s) with the police.

## Children as Victims

Not only did members of the OCA's Legal Department have to don their "defence counsel hats" on many occasions, they also exhibited the dexterity of the Office on the many occasions on which they had to appear on behalf of a child who featured as the victim in criminal matters before the Courts. The team's participation in this arena may be summarized as follows:

- The observance or "watching of proceedings" on behalf of the child complainant in cases of Carnal Abuse/ Sexual Intercourse with a Person Under 16 Years, Incest, Rape and other offences involving violence against the person.
- Active participation in cases in which teachers have been charged for the offence of Cruelty against a Child pursuant to Section 9 of the Child Care & Protection Act. These cases are of particular interest to the OCA as it is this office that investigates allegations against the representatives of relevant authorities (to include teachers) concerning child rights abuses.
- The OCA acquired a *fiat* from the Director of Public Prosecutions in a matter before the Savanna-la-Mar Resident Magistrates' Court in which a pastor was being prosecuted for Perverting the Course of Justice. This *fiat* gave the OCA permission to actively associate with the Crown in the prosecution of the matter and represented the first time that the OCA ever ventured into this realm of legal involvement. This active association includes the ability of OCA lawyers to examine witnesses and

make substantive legal submissions to the Court. The circumstances of this matter are that a United States based pastor who was previously alleged to have sexually assaulted two (2) girls from the community had managed to secure a not guilty verdict from the jury. He was subsequently alleged to have interfered with the process, to include offering inducements to the girls in a bid to have them alter the accounts that they had previously given when they initially lodged complaints of sexual abuse against him. The Children's Advocate was of the firm view that the seriousness of the allegations, especially against the background that there had been DNA evidence in the sexual abuse trial that had purportedly linked the Defendant to the crime, provided a good example of a situation that needed to be pressed to the ultimate limit in defence of a child's right to be protected and to receive fair treatment; an objective which falls squarely within the mandate of the OCA.

### **"Challenging Cases:"**

*"Civil suits for the Armadale victims suffered a further setback up to May 2012 as medical records from DCS were still not received by the OCA to transfer to Queen's Counsel Mrs. Samuels-Brown, who has been retained by the OCA in this matter. "*

*"While civil suits had been filed early on for the victims of the Armadale fire issues of inadequate documentation (birth certificates, and death certificates from parents of some wards) as well as inability to collect required information due to distance have hindered the filing process."*

## **Assistance Provided by the Legal Department in Non-Criminal Proceedings**

Not only did the OCA pursue matters in the criminal arena, its Legal Officers also did a fair share of matters that were non-criminal in nature. Some of the major matters included:-

- The continued filing of civil suits for victims of the Armadale tragedy.
- Legal support and advice to the parents and guardians of the two (2) male students from St. Andrew College who drowned. The circumstances surrounding this situation which caught the attention of the OCA were that the students were taken on a beach trip in questionable circumstances after they had left their school for the purposes of an educational field trip under the supervision of teachers.
- Filing of adoption petitions and securing Birth Certificates for a number of children.
- Dealt with cases where children were in need of care and protection.
- Provided legal opinion upon the Court's invitation for the OCA to intervene in custody proceedings regarding a two (2) year old infant before the Supreme Court. This was another first for the Office and as such it was of great significance to the OCA that the presiding Puisne Judge endorsed the views espoused by the OCA and decided the matter along the lines of the legal opinion which was submitted by our Office.



## Out of Court Activities of the Legal Department

The work of the Legal Officers is not confined to appearances in court and/or the determination of strictly legal matters on a one-on-one basis with children. A large part of the work of the OCA includes representation on a number of steering committees, task forces and working groups which have issues related to children as part of their focus. There are also a number of requests made to the OCA on an on-going basis for persons to address different groups on legal issues that impact upon the rights of children.

The following represents a sampling of some of these activities:-

- 1. National Task Force Against Trafficking in Persons:** As the name suggests, this is a multi-sectorial task force which has as its main focus the planning and execution of strategies aimed at cauterising the problem of human trafficking in Jamaica. During the period under review, specific attention was given to the need to effectively address the issue of Jamaica's new rating which placed the country on the Tier Two Watch List. In the process, discussions centred around Jamaica's achievements and challenges faced in the areas of prosecution of trafficking matters and law enforcement. There was good dialogue among the members as it related to the role of the NGO community and how it can assist the JCF and the DPP in the handling of TIP matters.
- 2. Jamaica Coalition on the Rights of the Child:** Participated in meeting(s) hosted by the Coalition where topical issues affecting the rights of children were discussed.
- 3. Multi-Agency Model Meetings CISOCA:** Gave report on the activities of the OCA

NB: Did television interview with journalist Nadine McLeod on the topic of *Children having sex with Children*.

within this regime and referenced a proposed meeting between the OCA and the Ministry of Education with regard to a worrying trend of a growing number of reports of child abuse cases made to the office against teachers.

- 4. Early Childhood Commission Parenting and Community Intervention Sub-Committee:** A member of the OCA's Legal Unit is a sitting member of this sub-committee. The rationale for establishing such a committee is based on the view that effective parenting is a key factor in promoting the holistic development of children. Of particular interest were discussions about instituting a pilot project where parents with children at the early childhood level who want to benefit from the PATH Programme should be made subject to be a part of a parenting course.
- 5. Family Migration and Development Sub-Committee: PLOJ:** A policy is being implemented to ensure that the impact of migration on families, especially on children and other dependents is mitigated. The OCA provided technical comments on the Concept Paper focusing on this issue; the paper is now to be amended.
- 6. Made submissions on behalf of the OCA** In relation to the Judgments (Foreign Reciprocal Enforcement) Act and how this legislation should be expanded.
- 7. Examination Appeals Committee Meeting:** Ministry of Education sought The OCA's input on this initiative and the Legal Department reviewed the Terms of Reference, the Examination Appeal's form and the procedures of appeal in relation to the GSAT examinations. Additionally, the OCA recommended that sensitization of staff members within the Ministry of Education should be done so that they in



turn can properly advise members of the public about the relevant processes.

**8. Meeting at Ministry of Youth and Culture in relation to sanctions for Child Abusers:** The focus of the meeting was on the apparent culture of promiscuity which is promoted in society and the need for strong prosecution of offenders. It was also highlighted that the high incidence of sexual abuse in schools was a problem and the view was expressed that there was a need to examine this issue from the perspective that offenders who are paedophiles should be termed as such and treated as such in terms of sentencing once convicted. Our position however, is that it must be noted, that the designation of paedophilia is a medical one; it is arguable that if the individual commits an act as a result of a medical problem, then any consequential punishment would have to take this into account. The OCA's contribution to this meeting was a suggestion that a system be instituted to track offending teachers as such an initiative would enhance mechanisms which are aimed at protecting children in our schools.

**9. Meeting at US Embassy in relation to children issues:** The United States Ambassador to Jamaica, Ms. Pamela Bridgewater, convened a high level meeting to discuss the priority areas of sexual abuse, violence and the family. One of the members of the Legal Department attended this meeting along with the Children's Advocate. Meaningful exchanges were had with a wide cross-section of persons and useful linkages were made with persons which have been maintained.

**10. 3rd Sub-Regional Meeting for the UN Global Study on Violence against Children:** A member of the Legal Department sat on the planning committee which oversaw the staging of this two (2) day meeting of

all the major players in the child protection sector. Of significance too, is that a wide cross-section of children were represented throughout the session. The high point of the meeting was the visit of the United Nations Special Representative for Violence Against Children, Maria Santos País, who presented a report that focused on violence against children in the Caribbean and Latin America. The Children's Advocate also made a presentation in this forum on the issue of children and violence in Jamaica.

**11. Jamaica Family Planning Board:** Contributed to discussions and offered consultative advice on the sexual and reproductive aspect(s) of the International Conference on Population & Development's Global Survey beyond 2014 Questionnaire.

**12. Office of the High Commissioner on Human Rights Mission Working Meeting:** Participated in discussions with the Children's Advocate and with other State representatives at the UNDP Office which focused on the implementation of recommendations which came out of a universal periodic review that had been conducted by the Office of the High Commissioner on Human Rights.

**13. Adolescent Policy Work Group: Ministry of Health:** The focus of this working group is the drafting and implementation of a policy which would govern voluntary confidential counselling and testing (VCCT) of minors for HIV and STIs. The thinking behind this initiative is that many adolescents who are sexually active are unaware of their HIV status and are reluctant to be tested as presently in Jamaica they need to be accompanied by a responsible adult before any health professional can do any such testing. There is a popular view that this reality is a contributing factor to the increase of HIV cases among adolescents and young adults.

**14. Ananda Alert System:** During the period under review the Ananda Alert System was revamped and the Secretariat's responsibilities were transferred from the Ministry of Local Government & Community Development to the Ministry of Youth & Culture. The Office of The Children's Registry which is a department within the Ministry of Youth & Culture was the entity selected to host the Secretariat. In keeping with the OCA's regulatory role within the child protection sector, the OCA was represented during consultations for the drafting of an MOU which would guide the interactions of a vast number of agencies, both government and non-government, under the Ananda Alert system. Technical advice was provided in a very detailed way and the OCA is a signatory to the resultant MOU. Of course, the OCA also maintains its monitoring role as to the manner in which the implementation is progressing and the degree of success that is being achieved.

## Legal in Action - Out and About

In addition to occupying membership status on several Working Groups and Steering Committees, the Legal Department makes a number of presentations to a variety of audiences and attends many meetings based on invitations received seeking the input of the OCA on child related issues. The following represents some of those events attended by Legal Officers within the OCA

### **Presentations:**

1. Communication for Development- Parenting Workshop held at the Ministry of Education.
2. Presentation at Optimist International on Child Abuse.

3. Presentation to the Kiwanis Club of Westmoreland on Child Abuse at Hotel Commingle in Westmoreland.
4. Presentation at Camp Workers' Retreat on Child Abuse and the Role of the OCA
5. Presentation and panel discussion participation at St. Luke's Anglican Church, Kingston on Child Abuse and the Role of the Church in child abuse prevention.
6. Presentation at the Allman Hill Primary and Junior High School on the rights of the child.
7. Presentation at Kiwanis Club of Constant Spring entitled "The State of the Nation's Children".
8. World Population Day 2012 Symposium on the "Legal/Policy environment and Adolescent Sexual and Reproductive Health: Bridging the Gap".
9. First Missionary Church on child rights.
10. HEART Trust NTA on the role and functions of the OCA.
11. Eltham High School on the responsibilities of parents whose children are deemed to be in need of care and protection.
12. Advisory Board of the CDA on the Role and Functions of the OCA.
13. Portmore Cure of the Anglican Church at its Annual Deanery Day Service: Panel Presentation on Child Abuse and subsequent discussion.
14. Teachers of the Donald Quarrie High School on Child Rights and the Sexual Abuse of Children.

### **Meeting Participation:**

1. British High Commission on the Role of the Commission in assisting British Nationals in Jamaica. This included practical considerations on what to do if a child of British extraction was in Jamaica and experiencing some abrogation of his/her rights. This was

especially useful as the OCA has had repeated instances in which it has had to represent the rights of British children who happen to be on Jamaican soil.

2. Early Childhood Development Conference at Jamaica Pegasus. The theme of this conference was Early Childhood Development for Nation Building in Jamaica: Retrospective and Prospective.
3. US Department of Homeland Security – this conference was hosted by the Office of Investigations within Homeland Security (USA) and was delivered over a three (3) day period. The conference topics focused on trafficking in persons, child exploitation (with a heavy emphasis on child pornography) and forced labour.
4. Meeting at the Mineral Heights Primary School with Principal, Vice-Principals and Parents with respect to matters regarding a particular student who attended that school.
5. Policy Meeting on the Privatization of the foster care system at Family Life Ministries.
6. Meeting on tobacco control legislation hosted by the Jamaica Coalition on Tobacco Control at the Terra Nova Hotel.







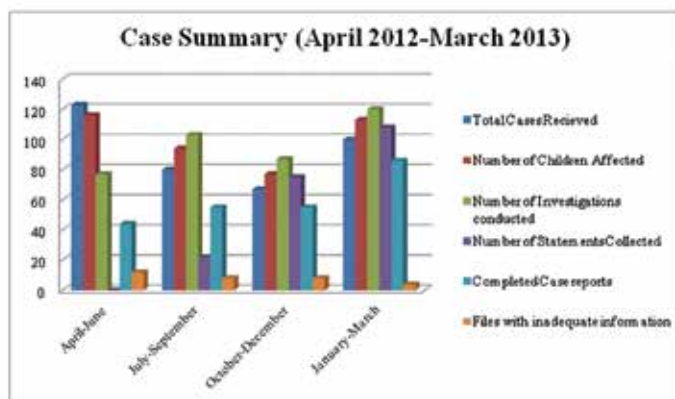


# CHAPTER 4

*Investigations*

Over the reporting period April 2012-March 2013, the Office of The Children's Advocate received a total of 370 cases, affecting 400 children island wide and the OCA commenced an average of 32 investigations per month. A total of 240 case reports were completed during the period with a total of 205 statements being collected.

Of the 370 cases received by the OCA, 33% were received in the first quarter, 22% of the cases were received in the second quarter, 18% were received in the third quarter and the remaining 27% were received in the last quarter. Of the investigations conducted over the period, 20% were done in the first quarter, 27% were conducted during the second quarter, 22% were done in the third quarter and 31% were conducted in the last quarter.



Approximately 32 of the cases received for the period, which amounted to 9%, were found to have inadequate information which negatively influenced the investigation process. In quite a number of the cases referred to the OCA from the Office of The Children's Registry (OCR), information as to where the affected child may be located was sometimes problematic. It is not unusual, for instance, to receive the victim's address as being "across the train line next to the first yellow house in the community". Such information is obviously imprecise and is sometimes even

more compounded because the person who may have lodged the report with the OCR does not know the child's correct name and as such, the OCA's investigators are severely challenged in finding these children when they go out into the field. Due to the emphasis on anonymity, in some cases the OCR is unable to provide the clarifying information sought by the OCA and our investigations are thus negatively impacted and/or frustrated; without statements from victims, there is very little possibility of holding persons accountable. In a bid to overcome this hurdle, OCA investigators have increasingly been visiting the schools of these children once that information is available. This works to a great extent but is not always a viable solution as during the summer and other holiday periods, the children would not be in the school environment.

Two other types of major concerns were encountered by OCA investigators as they conducted their varied tasks. It was found that problems persisted with the timely transportation of children who were on remand for their court appearances. The OCA's information is that it is the responsibility of the police to transport children who are on remand to court but there have been complaints of many instances in which the police do not execute this duty with promptitude. The police, for their part, site the popular reason of not having adequate motor vehicles at their disposal as one of the reasons for this. Despite this explanation however, the fact still remains that there have been reports of serious consequences which have flowed as a result of this practice; two examples which come to mind are:-

- (i.) Some children being held on remand for longer periods than necessary because they arrive at Court after the court has been adjourned for the day,**

or

## **(ii.) Correctional Orders are being made against the children in their absence.**

The other major concern over the period surrounded the inadequacy of the educational system to treat holistically with children who for a variety of reasons are not able to learn in the traditional way. The 'regular' system does not always recognize the need for, and/or recommend, early assessment and often time does not properly accommodate this particular cohort. In some instances they become displaced within the traditional school system. The OCA cannot overemphasize the need for early corrective steps to be taken so that this cohort of children will not be prejudiced in embracing their potential to the fullest extent.

## **Cases Against Relevant Authorities**

While this section focuses on the alleged abuses of child rights at the hands of relevant authorities, it is not to be misunderstood or thought that the OCA only has jurisdiction over relevant authorities. This is incorrect. In fact, it is the OCA that has oversight of all situations involving children in Jamaica. As such, we had cause to intervene into many matters in which we conducted investigations; these interventions included situations in which no relevant authority was involved. The emphasis on relevant authorities merely serves to underscore the regulatory aspect of the functions of the OCA as it is this Commission of the Parliament which monitors the quality of service and appreciates complaints against government entities which offer services to children and/or interface with children in some way. The statute refers to these government

entities as 'relevant authorities'. Indeed, this role differentiates the OCA from the other government entities within the child protection sector and underscores its relevance as it is this aspect of the OCA's mandate that infuses the child protection sector with integrity as the OCA effectively 'polices' the system.

Over the period under review, a number of reports were brought against various institutions including the Police, Child Care Facilities, Places of Safety, Remand and Correctional Institutions, Educational Institutions and the Child Development Agency (CDA). These included cases of physical, sexual and emotional abuses, neglect of duties and failure to report relevant information to the OCA. During the reporting period, there were 58 cases of sexual abuse, 133 cases of other types of physical abuse, 27 cases of emotional abuse, 7 cases of failure to report and 32 cases of neglect of duties. Additionally, there were other instances of breaches of children's rights which amounted to thirty-seven (37) cases over the period. Examples of these 'other' instances included situations in which a child may have been suspended or expelled from a school without due process having been observed and situations in which the members of the OCA's Investigations Department had to mediate problematic matters between students and school administration(s) with a view to suggest ways for improvement in the future.

## Investigation of Physical and Emotional Abuse Cases and the Link to the Education Sector

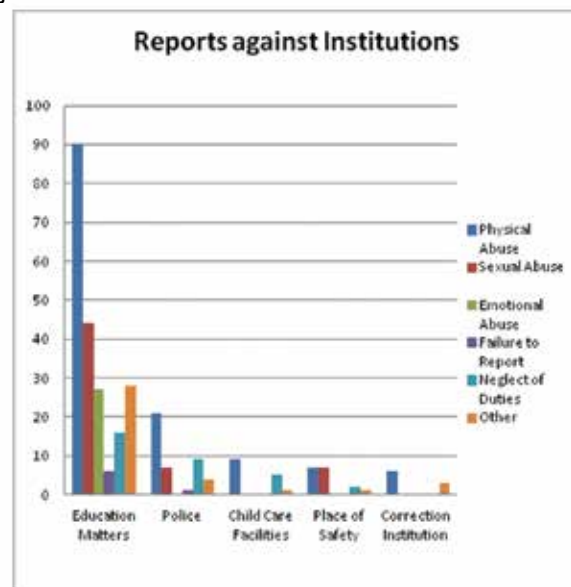
Of the physical abuse cases, sixty-eight percent (68%) were levied against educational institutions, sixteen percent (16%) were levied against members of the Jamaica Constabulary Force, seven percent (7%) were brought against residential child care facilities, five percent (5%) were brought against Places of Safety and four percent (4%) were levied against juvenile correctional institutions. An analysis of the sexual abuse matters presents a similar picture as a majority of the reports were made against educational institutions. Of the fifty-eight (58) cases in which allegations of sexual abuse were levied, seventy-six percent (76%) were made against educational institutions. The remainder of the complaints in this category was evenly distributed for the period with twelve percent (12%) being made against members of the JCF and twelve percent (12%) against persons employed in Places of Safety. All the emotional abuse cases were related to educational matters and six (6) of the seven (7) cases of failure to report to the OCA were also education related.

## Investigations related to the Neglect of Duties

Of the cases related to neglect of duties, six percent (6%) were brought against staff employed at Places of Safety, sixteen percent (16%) were brought against employees in residential child care facilities, twenty-eight

percent (28%) were brought against members of the JCF and fifty percent (50%) were related to education matters.

A global assessment of the descriptive statistics available for the period under review revealed that seventy-two percent (72%) of the two hundred and ninety-four (294) cases in all the areas enumerated above were brought against educational institutions, a statistic which glaringly illustrates a worrying trend in relation to child rights breaches in some of our schools. Of the remaining figure, fourteen percent (14%) were brought against the JCF, six percent (6%) were brought against employees within Places of Safety, five percent (5%) were brought against staff within residential child care facilities, and three percent (3%) were levied against staff within juvenile remand and correctional institutions.



## Investigations Conducted which Did Not Involve Relevant Authorities

There were several instances in which the



Investigations Department of the OCA rose to the challenge and embraced matters which because of the OCA's involvement, positively impacted on the lives of children in different circumstances. A few highlights which are worthy of mention will be included in this section and should serve to underscore the relevance of the OCA to child rights protection and to the overall pursuit of improved situations for all children in Jamaica. This is indeed of great significance as it is the OCA's unwavering resolve that all children in Jamaica, despite their nationality or their socio-economic circumstances, should be afforded protection of their best interests.

### **Case Study A: Transportation of Children and Reckless Driving**

A St. Catherine boy was travelling to school on a minibus when the driver, upon seeing some policemen on patrol, attempted to put some distance between himself and the police. It is alleged that this driver had a number of outstanding traffic tickets and that this was his reason for wanting to avoid the police. In his bid to escape he drove quite recklessly at a very fast speed even though he had several children on board. The end result was that the driver lost control of the minibus causing it to crash. In the process, a little boy was flung from the vehicle and he died on the spot. The OCA was of the view that the sequence of events illustrated wanton disregard for the child's right to be protected by someone who, by virtue of his temporary custody of the child, owed a duty of care to that child. His inability to act responsibly and to honour this obligation to exercise due care, resulted in the child's right to life being breached and fatally compromised. This served the basis on which the OCA got involved by launching an investigation into the circumstances which surrounded this incident. Through the OCA's

efforts, the identity of the owner of the minibus was ascertained and we engaged the mother of the child so that all relevant information which would aid the OCA in securing compensation from the insurance company with which the minibus was registered could be obtained. Though the matter was concluded in a subsequent reporting period, (October 2013) it is relevant to note that the OCA was successful in its bid to secure compensation on behalf of the child's estate and all the funds paid over from the insurance company to the OCA, were handed over to the child's mother.

### **Case Study B: Assistance to the Court – Custody Application**

The OCA was specifically approached by the Court to conduct a Social Enquiry and to prepare the relevant report for the Court in a custody matter involving two (2) children from Clarendon. In this instance, an aunt was concerned about the way in which her niece and nephew were being treated and reared by their mother. Her brother, who is the children's father, could not afford to properly care for the children and as a result she (the aunt) filed a claim for custody of the children who were 16 years and 14 years at the time of the application. When the matter was brought up in the Family Court, the presiding Resident Magistrate requested a Social Enquiry Report (SER) and invited the OCA to fulfill this role.

Consequent upon this, the Bellas Gate community where the father lived with his parents was visited as well as the Salt River community in Clarendon where the children's mother lived. The aunt's house in the Havendale community in St. Andrew was also visited and an assessment done as to the suitability of the environment for the rearing of these teenaged children. Additionally,

interviews were done with the children in a bid to get their views and any preferences that they might have had in recognition of the children's right to be consulted and to be included in the decision making process, when that decision would impact upon their lives. Of course, interviews were also conducted with the aunt, mother, father and grandparents of the children. The OCA team also visited the schools of the children and interviews were conducted with their teachers, all in a bid to arrive at an informed view of what would inure to the best interests of the children in issue. The Social Enquiry Report (SER) was done and the OCA made two (2) recommendations – the first, was that the children should not be separated from each other due to the bond that they shared and the second was that custody should be awarded to the aunt. Both recommendations were accepted and adopted by the Resident Magistrate and the Order of the Court was made in like terms.

### **Case Study C: Beyond Nationalistic Boundaries - International Rights of the Child**

The OCA's client in this matter was a fourteen (14) year old Canadian boy, having been born in Canada of Jamaican parentage. The circumstances were that the child was living in Canada with his father and his father flew with him to Jamaica (unannounced) and literally dumped him at his mother's gate. The father then beat a hasty retreat and departed the island for Canada. Whilst the child was in his mother's care, he started to exhibit certain behavioral problems, many of them being quite severe and targeted at his own mother. The mother took him to Court for the intervention of the Resident Magistrate, and the Magistrate in turn, referred the matter to the OCA for handling. The OCA investigators were able to secure pertinent information from both the boy and his mother which provided

the basis on which the OCA's Legal Officers were able to urge the Court not to hear the details of the mother's complaint(s) and to make a determination in the matter (which included an option to make a correctional order which would place the child in a juvenile correctional institution, i.e. a custodial situation) but to have the child returned to Canada where his best interests could be pursued. The OCA was able to invoke the assistance of the Canadian High Commissioner to Jamaica and the Provincial Advocate for Children & Youth in Ontario, Canada in the process and the Resident Magistrate granted the request of the OCA in this matter. That child was successfully repatriated to Canada where he was provided with support services in light of his particular challenges aimed at promoting his rehabilitation needs.

Of course, these are merely a few highlights which have been included and do not represent a comprehensive review of the wide range of matters that fall in this category which feature instances in which the OCA consistently makes representation for children on almost a daily basis. It is hoped, however, that these examples will sufficiently clarify the view that the OCA only investigates cases against relevant (government) authorities and their representatives. The undergirding principle which guides the interventions of the OCA is a broad one that stipulates that once a child is in need of support, from whatever quarter and in whatever circumstances, the OCA will honour its mandate and advance the rights and best interest of the particular child.



# FEW GOLDEN NUGGETS













### **Women on a Mission!**

Courtesy Call on The Most Honourable Portia Simpson Miller, Prime Minister of Jamaica, to discuss the topical issues affecting the nation's children and the need for cooperation between the OCA and the OPM. Also present at the meeting were Ambassador Burchell Whiteman and Ms. Onika Miller, Permanent Secretary in the Office of The Prime Minister.

### **Public Education Initiatives**

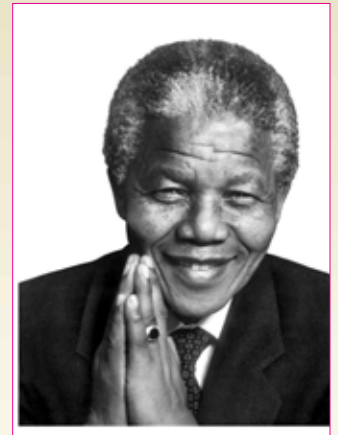
Presentation by the Children's Advocate to approximately 1000 educators at the JTA's Helen Stiller's Development Conference at the Sunset Jamaica Grande Hotel in Ocho Rios, Jamaica. The presentation was used to increase the awareness of teachers about the issue of child rights and the role that teachers play as prescribed persons for the purpose of reporting cases of child abuse so that early interventions can be made and increased protection provided to children.

### **Island-wide Prescribed Persons' Workshops under the aegis of the Ministry of Justice & the OCA with funding support from UNICEF Jamaica.**

These workshops were held in the months of May, November & December of 2012 in the

parishes of St. Andrew, Manchester and St. James, respectively. Each workshop targeted persons who work in the education sector at different levels as well as medical health professionals and sought to emphasize the obligation that they have under the law to assist the authorities with reports on child abuse. In total, over 600 persons were directly impacted by this public education initiative.

- St. Andrew – workshops were held at the Altamont Court Hotel and included participants from Kingston & St. Andrew, St. Thomas, St. Catherine and a few from Clarendon.
- Manchester – workshops were held in Mandeville at the Tropic View Hotel and included participants from Manchester, Clarendon and St. Elizabeth.
- St. James – workshops were held at RIU Montego Bay and included participants from St. James, Westmoreland, Hanover and Trelawny.

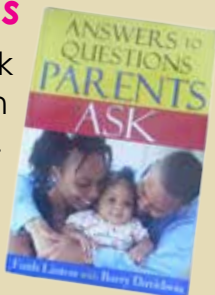


### **Beyond the walls of the OCA**

July 18, 2012 – inaugural celebration of Nelson Mandela Day in Jamaica. This effort was a collaborative one and involved a close working relationship with Her Excellency Mathu Joyini, High Commissioner of the Republic of South Africa. The focus of the celebrations was on Jamaicans giving 67 minutes of their time to do good or provide some service to children in different circumstances on Nelson Mandela Day.

## Answers to Questions

**Parents Ask** This is a book authored by Dr.(s) Faith Linton and Barry Davidson. The Children's Advocate attended the Book Launch at the Family Life Ministries and was invited to address the gathering. In so doing she publicly endorsed the book and commended its use to parents because of its practical lessons and sound bits of advice.



function marked the official launch of this programme which was an initiative under Women's Leadership Initiative. In her address, Mrs. Gordon Harrison focused on the levels of sexual violence being perpetrated against the nation's children and used the opportunity to publicly advocate for the implementation of the Sexual Offenders Registry.

## Caribbean Child Research Conference

This conference was held over the two day period November 6-7, 2012 at the Jamaica Conference Centre and featured student participants from various levels of the education system. Students came from all across Jamaica and different countries within the Caribbean region and were able to participate in discussions on a wide range of issues that affect children in different circumstances. The OCA was a title sponsor for this event and we also seized this opportunity to erect an information booth which contained brochures on the rights of children, safety tips that children can employ to help protect themselves and information about the roles and responsibilities of the OCA. Many children and other attendees at the conference visited the OCA's booth; brochures and other OCA material were distributed to all.

**Anderson's Place of Safety** Christmas Treat hosted by the staff of the OCA for the children in the facility. They were feted for the day, each child was presented with a personalized gift which included personal care items, toys and educational items. The manager of the Home was presented with a wide range of items for use by the home, including a desk top computer.

## Darkness to Light - Stewards of



**Child Sexual Abuse Prevention Programme** The Children's Advocate was the guest speaker at this event which was held at the Wyndham Hotel in May 2012. The

## Working Group Involvement

Inter-Ministerial Working Group on Children in Detention – it is widely recognized that children in conflict with the law need to be given special attention. This working group was convened and chaired by the Hon. Lisa Hanna, MP, Minister of Youth and Culture and saw a number of key stakeholders participating in weekly meetings that focused on viable solutions and approaches that could serve to improve the lot of this cohort

of our child population. Along with the OCA other stakeholders included the Commissioner of Corrections, the Ministry of Education, the Child Development Agency, the Jamaica Constabulary Force and the National Land Agency. One of the key outputs that resulted from this initiative was the allocation of funds for the construction/retrofitting of separate holding areas for children within designated police stations across the island. These areas are not intended to provide any long term accommodation for children but it is recognized that from time to time, particularly where persons below 18 years feature as suspects in police investigations, the possibility does exist that they may be apprehended by the police and the issue of their custody arises. It is in temporary situations such as these that this accommodation would become applicable.

The OCA was asked to provide guidance to the technical team that would be looking at the actual construction project and we presented a comprehensive report entitled *Provision of Suitable Accommodation for Children in Detention in January 2013*. This report outlined internationally accepted minimum standards for facilities of this nature and contained illustrations of actual facilities in overseas institutions that could be replicated locally.

Details of the report highlighted the following:-

- (i.) The need for proper and adequate ventilation;
- (ii.) The maximum number of children that ought to be kept within a space with a particular square footage;
- (iii.) The need for proper light and air quality;
- (iv.) Types of bedding options (focusing on the comfort of the child occupant as well as security from self-harm);
- (v.) Types of bathroom fixtures (focus on tamper proof fixtures as well as securing

them from being used to inflict injury to self or fellow occupants);

- (vi.) The need to have a common area for recreational activities/free time;
- (vii.) The need for a meeting area in which visits from family members, legal representatives and other necessary individuals can be accommodated with some degree of privacy.

### **Working Group on Audio-visual Technology in Receipt of Child Evidence**

The Honourable Minister of Justice, Senator Mark Golding, appointed a group of fifteen (15) individuals to consider the various factors which would serve as a guide to him in the issuing of drafting instructions for the Regulations which need to give effect to the amendment to the Evidence Act. This amendment permits vulnerable witnesses to have their interviews be video recorded prior to the trial date with a view to applying to use these recordings as their evidence-in-chief during a trial. The Children's Advocate was invited by the Honourable Minister to chair this working group and was honoured to play such an integral role in the formulation of these Regulations. At the end of the group's tenure, its submissions were accepted by the Minister and formally relayed to the Chief Parliamentary Counsel to facilitate the drafting of the relevant Regulations.

### **Review of Primary and Subsidiary Legislation**

**Hague Convention on Civil Aspects of International Child Abduction (The Children's Guardianship and Custody (Amendment)) Bill, 2012.**

This Bill was reviewed by the OCA and technical comments provided to the Ministry of Foreign Affairs and Foreign Trade. The object of this Bill



was to give effect to certain aspects of the relevant Hague Convention which seeks to address the mischief which could arise where persons in different jurisdictions who have interest in the same child, remove that child from one country to another in a bid to deny the other party access to the child.



### **Evidence (Amendment) Bill, 2012**

The draft provisions of this Bill met with much approval from the Children's Advocate. The main issues focused on the provision of measures aimed at properly assessing a child's readiness to give evidence or his/her readiness to be sworn in court proceedings. It proffered that the Court should be guided by experts whenever it has to deal with any child witness.

Of tremendous significance as well, was the proposed amendment that the uncorroborated evidence of children can support a conviction and that the Judge would now be vested with the discretion whether or not to warn the jury about convicting on the child's uncorroborated evidence. Such an approach would present a huge advancement in this area of the law as the practice as it now stands sees a trial Judge routinely giving such a warning in matters where such a situation arises. Indeed, this would be a welcome provision as it would serve to harmonize the general position that has been adopted by the Sexual Offences Act which has removed the mandatory

requirement for this warning in relation to the uncorroborated evidence presented by victims of any sexual offence. Worthy of note, is that from as far back as 2008 the Jamaican Court of Appeal in its decision of *Prince Duncan & Herman Ellis v. R.* (S.C.C.A. 147/2003) endorsed the position that the trial Judge should be vested with the discretion to choose whether or not such a warning was in fact necessary or applicable given the particular circumstances of the case.

### **Sexual Offences (Registration of Sex Offenders) Regulations, 2012**

The Sexual Offences Act paved the way for the establishment of a Registry which would record the details of persons convicted for certain sexual offences at various levels of the judicial system. These Regulations were issued on the basis of this requirement and they outlined in detail the various duties that the Registrar responsible for administering the Sex Offenders Registry should perform. The Office of the Children's Advocate had long advocated for the implementation of such a Registry as it is our view that once the authorities start tracking those who sexually molest our children, this information can be used to bolster the protection that is provided to children. The OCA, for example, envisions a situation in which employers in certain spheres would reference the Registry in the conduct of background checks on prospective employees in a bid to determine their suitability especially if the environment is one in which there would be high exposure to children. The Regulations also have put in place a notification system whereby, *inter alia*, if a sex offender is being returned to the community in which the child victim resides, that victim is alerted by the authorities.

One of the inclusions that the OCA recommended in its review of the Draft

Regulations was that where such a notification becomes relevant and the victim is still a child at the material time, the Children's Advocate ought properly to be alerted so that she may offer any necessary assistance to the child who would most probably be highly impacted by such news and would therefore be in need of some degree of psycho-social support. As the Regulations now stand, having been brought into effect on December 11, 2012, it is the police who would be requested to render such assistance as is necessary when making such a notification to any victim; this includes child victims. The OCA remains convinced, however, that where the victim to be notified is a child, the inclusion of the Children's Advocate would not only be preferred but would also be more appropriate and would be in harmony with both the spirit and the provisions of the Child Care and Protection Act. This statute charges the Children's Advocate with the responsibility of safeguarding the rights and best interests of children.

### **Corrections (Juvenile Correctional Centres & Juvenile Remand Centres) (Board of Visitors) Regulations, 2012**

These Regulations were indeed a welcome addition to the legislative framework which already exists for the protection of children. The OCA conducted a comprehensive review of the draft Regulations and the results of this review saw the Children's Advocate initiating discussions with the Honourable Peter Bunting, Minister of National Security in a bid to address certain pertinent issues that arose. The OCA was accommodated in this regard and a very successful meeting was convened which saw the relevant representatives from the Ministry of National Security and the Office of The Chief Parliamentary Counsel in attendance. The final draft of the Regulations, which were signed off on by the Honourable Minister

incorporated all the recommendations and comments of the Children's Advocate.

### **Sample of Recommendations Made to Relevant Authorities**

**Department of Correctional Services** – the reported death of female ward Vanessa Wint rocked the child protection sector in November 2012 and more specifically turned the spot light, once again, on operations within the DCS. The OCA, in keeping with its legislative mandate to investigate instances in which harm comes to any child while in the care of any State agent, launched an investigation into the circumstances surrounding the ward's death. The OCA's findings led to three (3) primary responses:-

- (i.) Recommendations to the then Commissioner of Corrections, Lieutenant Colonel Sean Prendergast, in relation to certain critical changes that ought to be made in order to promote the well-being of the wards within the care of the DCS. The core of these recommendations highlighted best practices and minimum standards which obtain both locally and internationally, with specific focus on the need for adequate staff to closely monitor any ward who exhibits suicidal ideations and for extreme care and support to be provided to those who actually attempt suicide.
- (ii.) A referral to the Special Coroner in March 2013 requesting that a Coroner's Inquest be held in a bid to determine whether any agent of the State was criminally responsible for the ward's death.
- (iii.) A referral to the Director of Public Prosecutions for a ruling in the matter as to whether criminal charges ought to lie against any individual(s).

## Child Development Agency

The OCA both publicly and privately expressed its concern to the Child Development Agency about the issue of uncontrollable children and those said to be “escaping custody”. The OCA became aware of the practice of some Children’s Officers within the Child Development Agency who determine that where a child is ‘acting out’ repeatedly in a residential child care facility (i.e. either a Children’s Home or a Place of Safety) the option of placing such a child before the Court so that a correctional order could be given was available. Another troubling practice, was that where a child ran away from a child care facility, this would be interpreted as the child “escaping custody” and would be treated as a *de facto* criminal matter which saw the child being placed before the court by the CDA’s representatives and a correctional order being made.

Needless to say, the OCA was quite disturbed about both practices; not only did they fundamentally breach the law which governs these issues, but it also did not promote the best interests of these children to have them placed in a juvenile correctional centre without more.

The relevant aspects of the Child Care and Protection Act (CCPA) indicate that in order for a child’s behaviour to be pronounced uncontrollable and a correctional order made, the parent of that child must be present in Court and must consent to such an order being made after the Judge has explained the effect of such an order; this therefore excludes any Children’s Officer or any other individual from requesting such an order or agreeing to such an order being made in respect of any child. Equally, the CCPA outlines how a child who runs away from a person to whom the Court has awarded custody (commonly referred to as a

fit person) ought to be dealt with. It provides that any such child is to be treated as being in need of care and protection and that all the necessary support services are to be made available to that child; the law certainly does not contemplate such a child being treated as a criminal remandee or convict who has escaped custody.

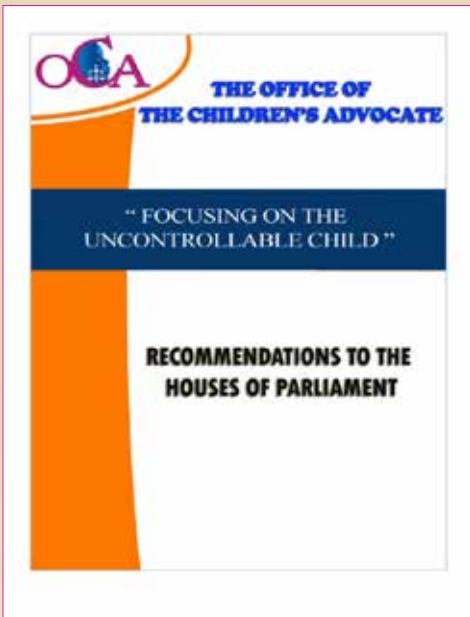
## The Jamaica Constabulary Force

During the period under review, there were several opportunities on which the OCA interacted with the JCF. One specific area of discussion focused on the Children’s Advocate’s recommendation to the Commissioner of Police that once a child features as a suspect in a police investigation, or is in fact charged for an offence, that child has an entitlement to be provided with access to legal representation. The long standing practice has been for most police officers to contact the child’s parents in situations such as these and to be of the view that this is sufficient. In today’s Jamaica, however, the reality is that children are also accused of being responsible for the commission of serious crimes and as such need to be provided with proper legal representation so that they too, like an adult in a similar situation, may have the opportunity to mount a reasonable defence. One must consider that if such a child has parents that are not *au fait* with the law and legal procedures, how would his/her parents be adequately able to offer the necessary legal protection? For his part, the Commissioner of Police was receptive to this recommendation and promised to have the necessary discussions in house so as to effectively address this concern.

## The Jamaican Parliament

*Recommendations to the Houses of Parliament: Focusing on the Uncontrollable Child* was a printed booklet which contained a set of recommendations which were made





by the Children's Advocate and were tabled in both Houses of Parliament in March 2013. The recommendations sought to highlight to the members of the Executive and the Legislature the plight of female wards of the State who ended up in the custody of the Department of Correctional Services because they had been given correction orders by the Courts as a result of behavioural problems. The Horizon Adult Remand Centre was used as the case study to ground these recommendations and each of the wards was interviewed as to their individual antecedents and present circumstances. A great deal of attention was paid to the fact that all of these wards had experienced severe incidents of trauma in their past which were never satisfactorily addressed and/or resolved. In the main, the inappropriate handling of these traumatic incidents led to the girls "acting out" by exhibiting very challenging traits and attitudes. The recurring theme throughout the recommendations was that children who have behavioural issues do not deserve to be incarcerated; they need therapeutic interventions which can target their particular problems aimed at pursuing strategies that can help them to correct/change the way in which they deal

with situations. The recommendations were widely disseminated as there were both print copies and an electronic version which was uploaded to the OCA's Facebook page. Of significance, is that quite a bit of interest was shown in all the research and the resultant recommendations. This interest was broad based and spanned varying age ranges and sectors of society. SlideShare out of California, USA even contacted the OCA to advise that on a particular day, the recommendations had received the greatest hits from Facebook users.

## Capacity Building Initiatives

It is a well-known fact that a good way of improving the efficiencies of employees within an organization, is to invest in the human element by building their individual capacities and competencies. This approach was not lost on the leadership of the OCA and was fully reflected in the strategic direction that the organization pursued during the period under review.

- (i.) In-House Training Seminar for the OCA's Investigation & Legal Departments – this was an initiative of the Children's Advocate who saw the need to focus on strengthening the effectiveness of these two very key departments within the OCA. The seminar was held off site and featured both internal and external presenters. The main focus was on child interviewing/statement recording competencies and the essentials which needed to be captured during the investigative process in order to support definitive outcomes. These may include a referral to the Director of Public Prosecutions for an alleged perpetrator to be held criminally responsible (where appropriate) or for the instituting of civil proceedings by the OCA within the courts to seek redress on behalf of a child whose



rights had been infringed by an agent of the State. The two (2) external presenters that participated in this training were Mrs. Lisa Palmer Hamilton, Senior Deputy Director of Public Prosecutions who focused on the criminal side and Mrs. Michele Champagnie, Attorney-at-Law, who focused on the civil perspective

- (ii.) Collaboration with the Staff College of the Jamaica Constabulary Force – each investigator within the OCA had the privilege of participating in the CIB Course in the Techniques of Investigations that is run for detectives within the JCF. This opportunity was born out of the Commissioner of Police's positive response to a request made by the Children's Advocate for this partnership to be pursued. From all reports, all the investigators welcomed the training and the techniques to which they were exposed. They all graduated with the requisite certification from the Staff College. The OCA remains appreciative to the JCF for its support in this regard.

Children's Advocate was of the view that there was sufficient information to substantiate a referral to the Director of Public Prosecutions (DPP) for criminal proceedings to be considered. The DPP agreed with the Children's Advocate's assessment of the matter and the correctional officer was arrested and charged on the strength of the OCA's investigations for the offence of Causing Grievous Bodily Harm with Intent. He was placed before the Supreme Court of Judicature and is to stand trial for the



## Landmark Cases

The Legal Department dealt with a number of cases over the period which included both in court and out of court involvement. A few of the ones which stood out over the period, either because of the degree of impact on the particular child involved, or the novelty of the matter, will be mentioned under this sub-head.

- (i.) **The 'Ruptured Eardrum' Case** – it had hit the media headlines sometime in early 2013 that a correctional officer at the Metcalfe Street Juvenile Remand Centre had slapped a male teenager to the face and by so doing caused the child's eardrum to rupture. The OCA conducted an investigation into the surrounding circumstances; upon conclusion of this investigation the

offence before a Judge and a jury.

- (ii.) **The Custody cause with a 2 year old infant** – there was a custody matter before the Supreme Court which involved an application for the custody of a 2 year old infant by a non-relative. The biological parents were not happy with the process and the matter became quite a contested one. The presiding Judge was of the view that an independent party who could weigh all the circumstances in an objective way and advise as to what accrued to the best interest of the child, should be consulted. Consequent

upon this, the Court made an order that the Children's Advocate should be consulted and an opinion rendered as to what would be best for the child in the given circumstances. A detailed legal opinion was prepared and submitted to the Court by the OCA; the Court relied upon the OCA's opinion and made a court order in the custody proceedings in like terms as the OCA's opinion as submitted.

**(iii.) The 18 year old & Brian Breeze, the Cricketer** – the Public Defender contacted the OCA about a “child” who was in custody and in need of legal representation. The OCA got involved in the matter only to discover that the “child” was not really a child as he had already celebrated his 18th birthday. Nonetheless, the OCA's Legal Officer applied for, and secured bail for him and made the necessary arrangements to get him into a programme run by the Kingston Cricket Club and attached to Brian Breeze, the former cricketer who functioned as his personal mentor. Our Legal Officer also secured the services of counsel under the Legal Aid regime who would appear for the 18 year old during the substantive trial as he did not properly fall within the jurisdiction of the OCA.

**(iv.) Minor Children of the Deceased Jamaican Farm Worker** – the OCA was contacted and advised that a Jamaican man who had been selected by the Ministry of Labour and Social Security [JA] to participate in the Overseas Farm Work programme in Canada died on the job. As a result, compensation was awarded to his beneficiaries by the Canadian company; these beneficiaries were his two (2) minor children who lived in rural Jamaica with their biological mother. Of importance, is that their deceased father and their biological mother had

never been married and in any event had long been separated prior to the father's death. In fact, the mother had moved on to a subsequent relationship which had also produced another child. There were concerns as to the mother's understanding of financial matters and her ability to properly administer the funds once they arrived in Jamaica as well as the use that she may opt to put the funds to. An assessment conducted by the OCA's Investigations Department revealed that neither she nor her present partner were employed and that they had very pressing financial needs. The OCA was able to enter into discussions with the Canadian company, the mother of the children and the two children themselves and caused an arrangement to be made with the Bank of Nova Scotia, Jamaica. Under this arrangement the OCA was able to open Scotia Mint policies for each of the children and the lump-sum payments were made to these quasi-investment instruments with provisions being made to accommodate (when necessary) the payment of school fees, medical expenses and other necessary incidentals. With the written permission of the mother, the OCA has been named the trustee on the policy for both children until they attain the age of eighteen (18) years at which time they will have full capacity to deal with the funds.



# CHAPTER 5

Research

## Research Initiatives and Meetings

The Research Department is currently staffed by one person who bears the title of Research Assistant. The primary function of this department is to support the research agenda of the OCA by highlighting areas which may need more in depth attention because they impact upon children's rights and best interests. The Research Assistant reports directly to the Children's Advocate and fulfills the dual role(s) of undertaking specific assignments that are research oriented and represents the OCA on several inter-sectorial technical steering committees and working groups which treat with child related concerns. This involvement on these various steering committees and working groups is of great significance as it allows the OCA to advance positions across a number of sectors that serve to ensure and/or enhance the protection and the preservation of children's rights in various spheres. Reflected below are some of the instances in which the Research Assistant interfaced in this regard.

### Inter-Sectorial Technical Steering Committees and Working Group Meetings

- Caribbean Child Research Conference 2012 – served as one of two OCA representatives on the planning committee. The Conference was held over two (2) days in November 2012 and featured several students from schools all across Jamaica and a few schools from other countries within the Caribbean region. The conference featured plenary sessions which facilitated presentations

across disciplines on child rights issues from various perspectives; of course, these generated many lively discussions. Of great significance too, is that throughout the majority of the sessions, most of the research presentations were done by the students themselves. It was quite refreshing to hear the views of the children on the issues that confronted them in a very real way.

- Sub-Regional Conference on Children and Violence – member of the Secretariat for this conference which featured participation of the United Nations Special Rapporteur on Children and Violence.
- Jamaican Forum for Lesbians, All Sexual and Gays (JFLAG) hosted a forum entitled Right The Wrong: Encouraging Respect For Safer Schools And Better Learning Environments.
- OCR Baseline Study – participated in a meeting to measure the Public's Knowledge, Attitude, Practices and Behaviour (KAPB) regarding Child Abuse and Reporting.
- CDA's Anti Bullying Initiative Technical Advisory Committee – the focus of this committee is on the problem of bullying in schools. In addition to general advice, the Research Assistant also assisted in the selection of a consultant to undertake the project.
- Caribbean Poison Information Network – participated in a meeting convened by the Network and gave input as required on issues concerning initiatives that would impact the best interests of children.

### Data Facilitation

The work of the OCA is greatly enhanced by its ability to have an appreciation of the global status of children in Jamaica at any given time. To this end, the opportunity



to facilitate the collection of data which would contribute to the gathering of such information is seen as an advantage to the OCA and as a process worthwhile of supporting. Consequent upon this, the OCA's Research Assistant was assigned to two very important groups which enhanced this approach.

- Child Protection Database Technical Working Group – the OCA's Research Assistant is a fixed representative on this technical working group and in that role, consistently provides input on behalf of the OCA. The information provided is of a statistical nature and is shared amongst all the players within the government sector who work in the area of child protection. In June 2012, there was an official launch of the Child Protection Database where a Memorandum of Understanding was signed which would govern the role(s) of the various stakeholders. The Research Assistant attended the Launch on behalf of the Children's Advocate and signed the MOU on her behalf.
- JamStats Secretariat – the OCA assisted with editing the metadata for the Child Protection Database and represented the OCA at the launch of the JamStats 2010 and EduStats 2010 Databases which are hosted by the Planning Institute of Jamaica (PIOJ).

## Research Initiatives

During this reporting period, key research was pursued not only in relation to specific child rights issues, but also in relation to data gathering capabilities which would aid the OCA in its efficiency and its ability to have a global perspective on the various matters which the OCA handles on a daily basis. The ability to assess and analyze this information was seen as being crucial to the OCA's

overall effectiveness as this would enable the OCA to pursue intervention strategies that are relevant to the nature and scope of the problems faced.

## Children's Advocate Processing System (CAPro)

To this end, the Children's Advocate tasked the Research Assistant to consult with relevant individuals and entities, in order to research the suitability of different computer programmes and software for data gathering purposes within the OCA. This undertaking resulted in the identification of statistical software and the contracting of a consultant who wrote a computer programme specifically designed for use by the OCA. The creation of a database known as the Children's Advocate Processing System (CAPro) was the end result. This established the foundation for an increased ability to generate statistics in relation to the cases trafficked through the OCA and to conduct a more effective disaggregation of the data by virtue of the age and gender of the child, parish, type/category of complaint and the place of occurrence as well as details concerning the alleged perpetrator.

By way of comment, it may seem unusual that the Research Assistant was the one tasked with this responsibility, but again, within the reality of the OCA, this was the most suitable person as at that time there was neither any IT staff within the organization, nor was there an IT Department on the OCA's structure. As a consequence, this coping strategy was opted for in light of the glaring need for improvement by the OCA in the area of data collection, analysis and structured intervention in the areas of greatest need.

A mitigating factor which needs to be noted for completeness, is that due to the absence of adequate and comprehensive data

capturing capabilities within the OCA prior to this effort, there was a tremendous backlog of cases that would not all be reflected in CAPro. Attempts to enter all files dealt with from the inception of the OCA in February 2006 to the present, proved to be quite an arduous, if not an impossible, task. This was particularly so because human resources are scarce within the organization and dedicated personnel for such duties would be hard to identify, especially against the reality of competing priorities which had to be attended to by staff. As a result of this fact, the decision was taken to have the CAPro system capture data commencing from January 2012 onwards. Training of all the relevant staff members in the use and management of CAPro was conducted by the consultant at the end of the project.

### **Interviews and Consultations with Female Wards at the Horizon Adult Remand Centre (January 2013)**

The Children's Advocate wished to conduct a detailed assessment of the circumstances of the female child population at the Horizon Adult Remand Centre as the OCA's view has always been that the housing of female wards with adults was inappropriate and that all such situations should be treated as urgent ones that were in need of priority attention. Horizon was chosen as it was adult men who were charged for serious criminal offences that are typically housed at this facility and the OCA's information was that it was when the girls were classified as being in need of more stringent handling that they would be transferred from other facilities to Horizon. Additionally, there was an urgent desire on the part of the Children's Advocate to re-open the discussions concerning children who were deemed "uncontrollable" at the highest levels. The Research Assistant spearheaded direct interventions with all the girls who were

housed at the Horizon facility and proffered critical information which provided a sound factual basis on which the Advocate could ground certain recommendations to the Houses of Parliament. The final product as tabled in both Houses of Parliament in March 2013, underscored the sensitivity with which children who are in conflict with the law are to be treated and was guided by both local and international instruments which outlined best practices and minimum standards that ought to be observed in relation to juvenile justice. Of specific significance to this particular work, the OCA's research made it quite apparent that the majority of the girls who were on correctional orders for being "uncontrollable" had experienced some traumatic episode in the past which had gone unreported and/or untreated. As indicated in the "Golden Nuggets" section of this report, six (6) core recommendations were presented by the Children's Advocate to the Parliament.

### **Preparatory Work for OCA Study on The Role of the Jury in the Trial of Persons Accused of Sexual Offences against Children**

It did not escape the OCA that there seemed to be an upsurge in the number of reports of cases in which children were being sexually abused during the period under review. As part of a broader strategy, the Children's Advocate commissioned the Research Assistant to prepare a draft work plan that would incorporate aspects geared toward achieving a greater understanding of contributory factors that led would-be perpetrators to commit such acts against our children. The terms of reference within which the Advocate indicated that this work plan should be prepared had an emphasis on the need to examine the trial by jury process and to determine through comparative analysis, whether there was any correlation

between the rate of convictions in these types of offences involving children vis-à-vis other types of offences and/or trial processes. This task was undertaken by the Research Assistant and eventually assisted in guiding the engagement of a consultant to pursue in depth work on this project.

## Capacity Building Activities

The need to constantly re-tool and to be exposed to a wide cross-section of issues was embraced whenever opportunities arose. The events enumerated in this section provide a sampling of fora in which the OCA's Research Assistant participated.

**Derek Gordon Research Seminar** - this seminar was convened in April of 2012 and focused primarily on two (2) issues. The first area of research examined the issue of delinquency among adolescents while the other was a trend analysis of adolescent suicide in Jamaica for the ten (10) year period 2000 – 2010. Of interest, is that while adolescent suicides in Jamaica were comparatively low when compared with other countries, the rates among males was increasing. Some of the aggravating factors that were identified as causal issues which put adolescents more at risk included environments in which there were domestic challenges, where the subject had mental health issues, access to items that can aid in suicide and featured males who tended to live within particular Police Divisions and parishes.

**Gender Focal Point Training** – the Research Assistant was appointed as the Gender Focal Point representative within the OCA. This appointment saw the Research Assistant being a member of the first cohort of persons

within the government sector to be in-house resource persons to their respective departments on gender issues. The objective of this initiative is to ensure that gender sensitive approaches are adopted and observed within the OCA in relation to staff issues and the work product of the organization. There were quarterly meetings and training activities undertaken by the Bureau of Women's Affairs which was the lead Agency on this project. Different types of workshops were convened to include training on how to handle the issue of HIV within the workplace with due regard to gender specific responses.

## TACKLE child Labour Handbook

The Child Labour Unit within the Ministry of Labour and Social Security collaborated with the International Labour Organization on the TACKLE Project. TACKLE means Tackling Child Labour through Knowledge and Education. As a part of this project a Child Labour Handbook was developed for professionals and a pre-testing workshop was convened. The Research Assistant participated in this workshop.

## Presentations, Outreach and Appearances

- I'm Glad I'm a Girl Expo, July 11, 2012 – manned a booth which featured public education material produced by the OCA about its roles and functions and on the various areas of child rights and connected issues. Various brochures and resource



documents were distributed to attendees at the Expo. A presentation was also done to the audience on the roles and functions of the OCA.

- Launch of the Child Abuse Reporting System (CARS) – represented the OCA at this launch which featured a software application used on BlackBerry smart phones to lodge reports to the OCR.
- Parenting Seminar in Santa Cruz, Saint Elizabeth – the Member of Parliament Mr. Raymond Price hosted a seminar for the parents in his constituency and the OCA was invited to man a booth in which information on the services offered by the OCA as well as the role and function of the OCA was provided. This gave the OCA direct access to children and parents in rural Jamaica who may need our services and augmented the OCA's public education activities that engaged children and parents.
- Visits to St. Monica's Children's Home and Anderson's Place of Safety – both these child care facilities are privately run entities that are situated in the parish of Clarendon. The Research Assistant was a part of the OCA's Christmas Treat Committee and as such assisted with the scouting effort for the selection of the facility at which the OCA would host its annual Christmas treat. This undertaking also included an assessment of the quality of children's rights in these facilities.



# CHAPTER 6

Public Education, Interviews and Press Briefings

One of the functions of the OCA as provided by the relevant statute (viz. the CCPA) is to ensure that children, those who are charged with their care and the general public are sensitized about the issue of children's rights, the existence of, and the role played by the OCA and information as to how the office may be contacted. In pursuance of these objectives, between April 2012 to March 2013, the OCA embarked upon numerous initiatives. These included several public interviews and press briefings on topical issues which affected children in Jamaica and saw the OCA having at least five (5) meetings per month as well as featuring prominently in both the print and electronic media.

To enhance its visibility the Office undertook three (3) special projects during the period under review. Chief among these projects was the OCA's website; this was the first major project initiated by the present Children's Advocate upon the commencement of her tenure in 2012. It was her view that the OCA necessarily had to have a presence on the world wide web as this was a key avenue through which valuable information concerning the work of the OCA as well as critical information on children's rights and other relevant issues could be provided in a resourceful, reader friendly and attractive manner. The present Public Education & Special Projects Manager, who joined the OCA within three (3) weeks after the current Advocate was appointed, shared this vision and focused much energy on this particular project. Despite these efforts, however, the project experienced a number of undue and unforeseen delays which caused it not to be completed until the following reporting period (November 2013). A major factor that contributed to this delay resided in the fact that the OCA had to work with (and depend on) the cooperation of external partners to meet its timeline and deliverables. The

main external partner had numerous issues which affected its execution of the assigned tasks and adversely affected the OCA's deadline(s).

In July 2012 the OCA sought to further increase its visibility and its relevance to children (particularly those within the adolescent cohort) through the creation of



a Facebook page which continued to gain increasing membership and hits throughout the period. Useful information was provided to the public on the work of the OCA through this medium on an on-going basis and the office was also able to obtain valuable feedback from members of the public concerning topical issues that affected children in Jamaica, and in some instances worldwide. The creation of this Page definitely aided the OCA in its bid to create more linkages with the public and to increase its interface in a meaningful way.

During the period under review, a comprehensive review was undertaken on the type of brochures available within the OCA and the decision was taken that extensive work needed to be done, both in relation to the content and the scope of information which these brochures provided as well as their style and design. In August 2012, work on five (5) attractively designed and resourceful brochures was completed. Collectively, these brochures documented information aimed at :-

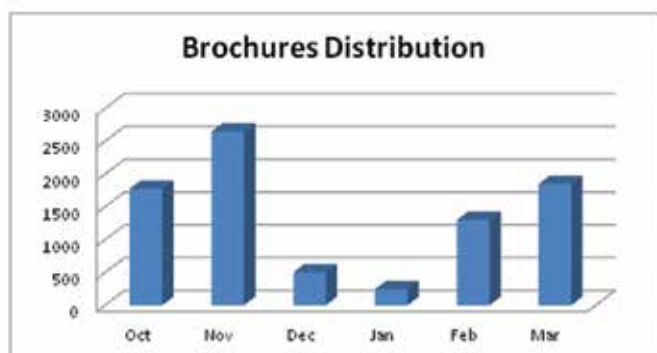
- Increasing awareness about the Child Care and Protection Act,
- Sexual abuse risk reduction in children, safety tips in simple terms which primarily targeted the child population as well as separate bits of advice to parents and other adults who may have children in their care,



- The issue of mandatory reporting of instances of child abuse, whether based on suspicion or actual knowledge.
- An overview of the Office of The Children's Advocate and the role & functions of the Advocate and her office.

A significant number of these brochures were distributed in diverse areas of the public over the period by OCA staff, not only providing these persons with relevant information, but also with the office's contact information thereby increasing the OCA's reach and accessibility. Some of the recipients were schools, at the pre-primary, primary and secondary level(s); churches and other faith based organizations; community based organizations; service clubs at the community and national level and Parent Teachers' Associations. Our records reveal that approximately 8308 brochures were distributed over the period under review.

would see to the establishment and operation of the Sexual Offender Registry under the Sexual Offences Act, and during the month of March, the OCA submitted a Special Report to Parliament which focused on the phenomenon of The Uncontrollable Child. The recommendations were well received convened by the public resulting in several media interviews for the Office, as well as an official press conference by the OCA to inform the public about these recommendations and to answer any questions pertaining to the Report.



The year was dominated by incidents of sexual abuse against minors, these incidents were further compounded by the fact that the alleged abusers were very close to the victim. Moreover, violence against or involving children also dominated the press, there were reports of stabbing and shooting deaths of children across the island.

Overall, all was not lost as some significant milestones were achieved. In December, the House approved the Regulations which

APRIL 2012		
Sexual abuse		
<ul style="list-style-type: none"><li>• Horrific! A traumatized doctor's gory tale of children being raped, infected with STDs</li><li>• Silent families perpetuate sexual abuse of children</li><li>• Shocking: over 7000 children sexually abused in last four years</li><li>• Sports coach, teacher charged with sexual offences</li></ul>		<ul style="list-style-type: none"><li>• A constitutional obligation to children</li><li>• Sex offences top circuit court cases: psychologist wants more to be done to protect children</li><li>• UTech students to investigate child abuse</li><li>• Child rape: Three adults scarred by years of sexual abuse break silence on trauma</li></ul>
MAY 2012		
Sexual abuse	Violence and safety	
<ul style="list-style-type: none"><li>• Do more to stop abuse- Children's Advocate</li><li>• Shatter the Silence: protestors urge Jamaicans to report child abuse</li><li>• Ban them! JTA wants convicted sex offenders barred from classrooms</li><li>• Teacher convicted on sex charge removed</li><li>• Perverts stalk schools</li><li>• 8 year old girl sexually abused in Clarendon</li><li>• Teen sex video irk CISOCA</li><li>• Savagery! CISOCA tells of brutal buggery of 3 year-old boy</li><li>• Child abuse is everybody's business</li></ul>	<ul style="list-style-type: none"><li>• Injured Dean of Discipline recuperating</li><li>• Boys suspected of wounding school dean in custody</li><li>• Help JA Children's march underway</li></ul>	
JUNE 2012		
Education	Safety	
<ul style="list-style-type: none"><li>• "I wish GSAT would leave the earth</li><li>• GSAT is 'apartheidied'"</li><li>• Teachers cry GSAT 'INJUSTICE'</li><li>• GSAT placement pain</li><li>• Change our concept of education</li><li>• National education curriculum under review</li><li>• Ministry to administer new ASTEP examination</li><li>• Transfer requests flood traditional schools</li></ul>	<ul style="list-style-type: none"><li>• Street Children</li><li>• Ananda Alert</li><li>• Children traumatized, Murders, shootings in August Town hurt kids</li><li>• Not impressed with Ananda Alert move</li></ul>	
OCTOBER 2012		
Sexual abuse	Violence	
<ul style="list-style-type: none"><li>• Increase the age of consensual sex</li></ul>	<ul style="list-style-type: none"><li>• "Di pickney did haffi dead" Witness gives grappling testimony against cop accused of killing 14-y-o girl</li><li>• Cop confessed to murdering 14-year old</li><li>• Men assault teacher in front of students at Dunrobin Primary</li></ul>	
NOVEMBER 2012		
Parenting	Safety and violence	
<ul style="list-style-type: none"><li>• Failed parenting: Jamaica College students lament adults' neglect in protecting children against drug use, abuse.</li><li>• Listen to the Children'</li></ul>	<ul style="list-style-type: none"><li>• Montego Bay rape suspects offered bail (Irwin rape incident)</li><li>• New group vows to fight child abuse</li><li>• Dead teen was tormented</li><li>• Many reasons for spike in child-abuse reports</li></ul>	
DECEMBER 2012		
Wards	Sexual Abuse	Education
<ul style="list-style-type: none"><li>• Poor treatment of children in State care</li><li>• Screen them: Ramkissoon wants all workers in child care facilities to be screened</li><li>• Children in State care can excel too</li><li>• Corrections Department probes wards' drug overdose</li></ul>	<ul style="list-style-type: none"><li>• Shame! Some child protectors are abusers</li><li>• Way clear for Sex Offender Registry</li><li>• House approves Sexual Offender Registry</li></ul>	<ul style="list-style-type: none"><li>• Expensive and unsafe: Gov't hunts consultants to consider feasibility of rural school-bus system</li><li>• Corporal punishment must be the last option</li><li>• No auxiliary fees, no exam?</li></ul>
JANUARY 2013		
Wards of the State	Violence	Reform
<ul style="list-style-type: none"><li>• More counsellors soon for juveniles in prisons</li><li>• Gov't yet to take up Mustard Seed offer to care for troubled girls</li><li>• Wards are attention-seekers, says doc</li><li>• Gov't moving to improve conditions for wards- Hanna</li><li>• Youth Minister says current laws restrict her from giving State wards to private groups</li></ul>	<ul style="list-style-type: none"><li>• IAE student stabbed to death in cell phone dispute</li><li>• School fight leaves one dead</li><li>• Blood Day! 14-y-o girl among three murdered in Corporate Area</li></ul>	<ul style="list-style-type: none"><li>• Western Jamaica to get children's hospital:</li><li>• Teacher licensing could soon come on stream</li></ul>
FEBRUARY 2013		
Violence	Youth at Risk	Wards of the State
<ul style="list-style-type: none"><li>• Five year-old slaughtered: Enraged killer turns gun on boy hiding under bed</li><li>• Barbaric! Four year-old Rajay becomes second child murdered in less than 24 hours</li><li>• Haile Selassie student delivered cryptic message before death</li><li>• 16 year old murdered in Manchester</li><li>• Mom accused of killing baby suffered heavy stress</li><li>• Killer Dad: Farmer slaughters daughters, hangs himself</li></ul>	<ul style="list-style-type: none"><li>• Lottery scam pull hard to resist, say youth</li><li>• "We need training in non-traditional areas" say youths</li><li>• Create alternatives to scamming, say students</li><li>• Wanton abuse driving more kids into State care</li></ul>	<ul style="list-style-type: none"><li>• CDA says all workers screened, trained</li><li>• CDA seeks smooth transition for wards of the State after age 18</li><li>• CDA's role misunderstood</li><li>• Child Care and Protection Act under review</li></ul>
MARCH 2013		
<ul style="list-style-type: none"><li>• Stop killing kids: Social worker pleads with Jamaicans to talk, not fight</li><li>• Children's Advocate takes over case against Pastor Lewis</li></ul>		

Table 1: Children issues in the media

## APRIL 2012

- The national discourse on child abuse received heightened attention during the month of April, with the Office of The Children's Advocate (OCA) reiterating its position on the issue through significant media appearances to highlight various provisions of the Child Care and Protection Act (CCPA), as well as the Office's general position on matters pertaining to the rights and best interests of children.
- The Jamaica Observer's report entitled: *Horrific! A traumatized doctor's gory tale of children being raped, infected with STDs*, published on April 1, 2013 re-opened the national debate by affecting the sensibilities of the public. The OCA through collaboration with stakeholder partners: the Office of The Children's Registry (OCR), the Child Development Agency (CDA), and the United Nations Children's Fund (UNICEF), issued a joint statement on the matter, as well as collaborated during media appearances.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

1. UNICEF Joint Stakeholders' Advocacy Meeting
2. JFJ/OCA Stakeholders' Meeting
3. The OCA's Children's Advisory Panel
4. National Child Month Committee Meeting
5. Derek Gordon Research Seminar
6. Nathan Ebanks Foundation Special Needs Expo
7. Children's Homes / Places of Safety Visits
8. National Child Month Committee Media Launch
9. UNICEF Media Workshop for Journalists

### INTERVIEWS

1. Mrs. Gordon Harrison interviewed by Nationwide (This Morning) re: video evidence for minors
2. Mrs. Gordon Harrison interviewed by CVM-TV (Live at 7) re: joint statement on sexual abuse against children
3. Nicole Hayles interviewed by NCU Radio (State of Affairs) re: joint statement on sexual abuse against children.. Interview was simulcast on NCU TV (Flow channel 188)
4. Nicole Hayles interviewed by News Talk 93 FM (News) re: joint statement on sexual abuse against children
5. Mrs. Gordon Harrison interviewed by TVJ (All Angles) re: child abuse

## MAY 2012

- May was observed as Child's Month. Consequent upon this, the Public Education and Special Projects Department within the OCA participated in several outreach activities which were hosted by external partners in recognition of the month. The heightened public discussion on child abuse continued with several reports in the print and electronic media, as well as the OCA's participation in media interviews on the issue.
- The Public Education and Special Projects Department also developed a television public service announcement (PSA) for broadcast during Child's Month to sensitize the public about the problem of child abuse and the need for persons who interface with children on a regular basis to play an increased role in discharging their statutory duty to report suspected instances in which children may be at risk of being abused. The airing of the PSA was however delayed by our television partner Television Jamaica (TVJ) and as such did not air until after May.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

1. MOJ/OCA Sensitization Session for Prescribed Persons
2. Sub-Regional Conference on Violence Against Children
3. OCR Child Participation Programme Launch
4. National Child Month Committee Meeting
5. UNICEF Joint Stakeholders' Advocacy Meeting
6. Holiness Christian Church Health Fair
7. OCR Juvenile Facilities Consultations (Metcalfe Street)
8. National Child Month Committee Essay and Poster Competition Awards



## JUNE 2012

- The Office of The Children's Advocate's (OCA) produced television public service announcement (PSA): Break The Silence, began airing on Television Jamaica (TVJ) during the month of June. Break The Silence seeks to strengthen the national discourse against child abuse, and is one of the deliverables of the Public Education and Special Projects Department (PESPD) which is to implement a sustained media programme aimed at building awareness about the rights of children and the role and functions of the OCA. The PSA was



being aired by TVJ free of charge and also by the Jamaica Information Service (JIS) in

time allotted for Government broadcast. Of course, the OCA is deeply appreciative of the kind support offered by these media partners and thanks them for playing their part by contributing to one of our public education initiatives.

- The PESPD continued its public education consultations with juveniles in conflict with the law, through collaborative visits to remand and correctional centres with representatives of the: Office of The Children's Registry (OCR), the Child Development Agency (CDA), and the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA).
- The PESPD was also integrally involved in discussions regarding the revision of the Children's Code for Programming by the Broadcasting Commission of Jamaica (BCJ), and the draft Child Labour Policy of the Ministry of Labour and Social Security (MLSS).

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

1. World Day Against Child Labour Launch and Draft Policy Review (June 12)
2. Broadcasting Commission of Jamaica: focus group session (June 13)
3. Government communicators' meeting (June 21)
4. Rise Life Management Parenting Fair (June 22)
5. Juvenile Facilities Consultation at Horizon Remand Centre (June 26)

## JULY 2012

During the month of July, the Office of The Children's Advocate undertook several activities aimed at strengthening its public education strategy. The Office participated in a community town hall meeting with residents of Trench Town and its environs, to sensitize them about the work of the OCA and the responsibility which they had in caring for, and protecting children.

The month also saw the launch of the OCA's Facebook page, as well as the Office's continued tracking of issues affecting children as reported in the media.

### PUBLIC EDUCATION & SPECIAL PROJECTS

**Facebook:** The OCA's Facebook page continued to gain traction through the steady increase in its 'likes' and the number of views of its posts .

#### BROCHURES

Work on the design of all five (5) brochures was completed by the Graphic Designer contracted by the OCA for this purpose. The brochures completed were:

- Role and Functions of the OCA.
- The Child Care and Protection Act
- Be Smart, Be Safe
- Tips that can minimize your child's risk of sexual abuse
- Mandatory Reporting

Work on the design of a vertical banner for the OCA was also commenced during this month.

## AUGUST 2012

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

1. OCA's Children's Advisory Panel Meeting (August 15)
2. Marcus Garvey's 125th Anniversary Celebrations, Emancipation Park (August 17)
3. OCA's Children Advisory Panel Meeting (August 20)
4. SALISES 50/50 Conference (Pegasus Hotel) (August 20)
5. UNICEF Blog Meeting (Teleconference) (August 23)

## OCTOBER 2012

The Office of The Children's Advocate continued its public education initiatives throughout the month of October. The OCA actively participated in the first global recognition of International Day of the Girl Child, which the United Nations declared a day of significant importance, particularly in light of the global challenges faced by female children. The monitoring of children's issues in the media also continued in October.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

- TACKLE Project Advisory Board Meeting
- International Day of the Girl Child

### INTERVIEWS

- Mrs. Harrison interviewed re: Sexual abuse against children October (PBCJ's Gordon House: Inside and Out)

## NOVEMBER 2012

The death of ward of the State, Vanessa Wint, at the Horizon Adult Remand Centre, consumed the media during the month of November. The tragedy again highlighted the issue of children being remanded in adult facilities, and the need for a separate facility for girls. The Office of The Children's Advocate issued a statement on the matter, reiterating

its call for the establishment of such a facility to be made a priority by the government; this facility should also have the capacity to cater to the psycho-social needs of the children.

### INTERVIEWS

- Nicole Hayles interviewed regarding the roles and functions of the OCA on International Day Against Child Abuse (Nationwide) November 19
- Mrs. Harrison interviewed regarding Universal Children's Day 2012 (Outside Broadcast News Talk 93 FM) November 20
- Mrs. Harrison interviewed regarding death of female ward of the State (The Gleaner; The Observer; CVM; TVJ; RJR; IR1E FM; NCU) November 22
- Mrs. Harrison interviewed regarding corporal punishment in schools November 26 (Beyond The Headlines RJR)
- Mrs. Harrison interviewed regarding the role and functions of the OCA November 26 (Live at 7 CVM; interview aired on November 27)
- Justice Downer interviewed regarding corporal punishment (The Observer) -November 22

## DECEMBER 2012

The OCA launched its Christmas 2012 'Ambassadors' project. The project included the recording of five (5) public service announcements that were aired on select radio stations to ensure a wide cross-section of listenership. The PSAs addressed the issues of: parenting, the right to an education, the value of reading, the right to play, warnings against fires and the practice of leaving children alone at home, and the right of children to grow up in an environment free from fear and violence.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

Press Association of Jamaica Awards Ceremony  
OCA/MOJ Prescribed Persons' Consultations

## JANUARY 2013

### ADVERTISEMENT

The OCA placed a 30 cm x 3 columns advertisement in The Observer for inclusion in an education supplement which was published on January 29.

The issue of violence among and against children was again brought to the fore at the start of 2013 with the killing of a school boy allegedly by his peers, and the rape and killing of a 14 year old girl.

The OCA was engaged in several media interviews regarding the issue, and reiterated its call to all members of society to work collaboratively in the fight against violence against children.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

- National Child Month Committee Meeting
- PIOJ/ EU Project Validation Workshop

### COLLATERAL MATERIAL

1. A total of 244 brochures were distributed for the month of January 2013. The brochures were collected by members of staff for general distribution to the public.
2. A total of 5000 posters with targeted messages, were developed for-Children at the Primary (2500), and Secondary (2500) school levels for distribution.

## FEBRUARY 2013

The issue of violence against children and the failure of some adults to effectively execute their responsibility of care and protection toward their children was brought once again to the fore when reports surfaced that a child was killed by her 40 year old lover with whom she lived in Manchester. The teen's alleged lover was apprehended and charged by the police. The child's mother was also arrested and charged for knowing about the unsuitable

living arrangements of her daughter and not doing anything to seek to correct the situation. The mother is out on bail, and is expected to return to court to answer to the charges of: failure to report a child in need of care and protection, and failure to exercise proper care and guidance over a child.

The OCA continued its sensitization of the public through interviews and attendance at public events to heighten awareness of the OCA and the rights and best interests of children.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

- ILO/TACKLE Project Advisory Panel February 20
- EU Delegation Film Premier (2 ) February 21
- Government Communicators Meeting February 28

### EU Project Proposal

The OCA submitted its full application on February 6, 2013 to the European Delegation to Jamaica, having being short-listed by the Delegation to submit same. The OCA's project: Promotion of the Rights of Children and the Increase in Public Awareness of the Office of The Children's Advocate, was projected to last for 24 months at a cost of €60,000. Regrettably, however, the OCA was not successful in this effort.

### Overall Objective:

All children in Jamaica enjoy their rights to survival, development, protection and participation, as well as consideration of their best interests at all times.

#### Specific Objectives:

- Children educated about their rights as provided under the Child Care and Protection Act (2004);
- Increase awareness and enforcement of the rights and best interest of children in compliance with the UNCRC and the CCPA;
- Decrease in the number of incidents of abuse against children committed by relevant authorities (government entities)
- Increase in the awareness of the role and functions of the OCA, and visibility of the Office.



### INTERVIEWS

- Mrs. Gordon Harrison interviewed regarding violence against children (NCU Radio, Hot 102 FM, Nationwide Radio, RJR) - February 1
- Nicole Wright interviewed on Community Connection regarding role and functions of the OCA (Portmore Missionary Church's community television station) - February 5
- Mrs. Gordon Harrison interviewed regarding death of 16 year old girl allegedly by her 40 year old lover (Irie FM, NCU Radio, TVJ) - February 14
- Nicole Hayles interviewed regarding OCA's sponsorship of and involvement in Teen Expo (Nationwide, KLAS) - February 20 & 21
- Justice Henderson Downer interviewed regarding care and protection of children (CVM Live at 7) - February 22

## MARCH 2013

The Office of The Children's Advocate (OCA) submitted a Special Report to Parliament during the month of March 2013. The Report, Focusing on the Uncontrollable Child: RecommendationstotheHousesofParliament, chronicles a series of recommendations the OCA believes necessary for both the House of Representatives and The Senate, to discuss and debate as it pertains to female juveniles currently in State custody for uncontrollable behaviour.

The recommendations were well received by the public resulting in several media interviews for the Office, as well as an official press conference by the OCA to answer questions pertaining to the Report.

### PUBLIC EDUCATION AND STAKEHOLDER MEETINGS

- National Child Month Committee Launch Committee Meeting (March 5)
- Edna Manley College Research Day (March 8)
- St. Andrew 4H Clubs Annual Achievement Day (March 15)
- Prime Minister's Youth Awards (March 24)
- OCA Press Conference (March 26)
- Government Communicators' Meeting (March 28)



# CHAPTER 7

Human Resource and Administration

## Human Resource Policies and Procedures

One of the main aims of this Department is to ensure that an adequate number of critical and competent staff are available to undertake the mandate of the OCA . During the period, April 2012 - March 2013 the following adjustments were made to the staff:-

- **Two (2) new posts were added to the structure. These were an Information Technology Officer and an Accounting Technician.**
- **One (1) post upgrade**
- **One (1) post re-classified and upgraded and the necessary advice provided to the particular staff member.**

## Recruitment and Selection

The selection process aims to ensure that the OCA is equipped with personnel with the required competencies. As the office becomes more visible, the demands and complaints from the public will continue to increase and as such, more human resources are needed to fulfill this requirement.

*“The main aims of this Department is to ensure that an adequate number of critical and competent staff are available to undertake the mandate of the OCA .”*

## Temporary Employment

Temporary employment was offered in the following areas in a bid to render assistance in these various departments as required:

- Investigation Officer
- Office Attendant
- Senior Secretary
- Legal/Policy Officer

## Organizational Structure

The organizational structure exists to ensure that it supports the mandate of the OCA. During the period under review, the process of reviewing job descriptions was commenced for some posts including that of HR Manager. The posts of Office Attendant and Driver were reviewed and submitted to Cabinet for upgrading during a subsequent reporting period.

## Compensation and Benefits

The aim of the Compensation and Benefits Unit is to develop and maintain a compensation structure that is equitable, efficient and compliant with the laws and regulations of the Government of Jamaica This includes providing advice to the Accounts Department on adjustments that need to be made to the payroll as well as the necessary information for the maintenance of Group Life Plans and Health Insurance for staff members. During the period

- One life insurance claim (death) was submitted to Guardian Life and Payment received and paid to the Beneficiary under the policy.
- Three (3) additions and two (2) deletions were made to Group Life Plans and the



### Health Scheme

- 20% duty concession - One request was received, processed and forwarded to the Ministry of Finance & Planning for approval. The approval sought was granted by the Ministry.

## Revolving Loan Scheme

All loan applications were prepared and presented to the Children's Advocate for approval. In addition, all approved applications and supporting documentation were forwarded to the Accounts Department for disbursement.

- Five (5) applications were received and processed during the period. Together they accounted for a total disbursement of \$328, 966.00

## Performance Management

The aim of the Performance Management Unit is to ensure that individual goals and objectives of staff members within the OCA are congruent with organizational goals and objectives. During the period, the following findings were highlighted:

- On-going revision and upgrading of job descriptions to reflect current duties of posts.
- Four (4) performance evaluations conducted.
- Two (2) new employment contracts issued.
- Four (4) employment contracts renewed
- One (1) contract not renewed upon the conclusion of the particular staff member's contractual period.

## Employee Relations

To maintain a high level of job satisfaction, it is imperative that good relations are maintained with staff in order to ensure a healthy working environment . During the period under review:

- Two disciplinary meetings were held.
- Regular meetings held with staff.
- One Sector meeting held with the Children's Advocate.

*“To maintain a high level of job satisfaction, it is imperative that good relations are maintained with staff in order to ensure a healthy working environment .”*

## Staff Wellness and Motivation

The staff wellness initiative is developed to create a culture that engenders respect and trust at all levels within the OCA. It also includes the holistic development of staff through wellness, sports and social programmes. This includes;

- Sending goodie baskets to staff (Secretaries Day, Congratulatory, Get Well and Thank You).
- Cards (birthday, sympathy and thank you).
- Grief counselling provided for staff totalling \$30,000 consequent upon the sudden death of one member of staff - Senior Secretary assigned to the HR and Administration Department.
- Second successful staging of Nyammings and Jammings.

- Children's Treat for wards of the State during the Christmas season.
- Staff Christmas Luncheon.
- Successful Valentine's Day Affair with 100% staff participation.

## Training

The objective of this mandate is to train and develop staff to perform their jobs effectively and efficiently in accordance with the objectives of the OCA. Continued dialogue with stakeholders and Government agencies occurred in a bid to secure opportunities for staff training. This was necessary due to the limited amount of funds allocated to this budgetary head. The following represent the OCA's achievements in this area during the reporting period:

*"The objective of this mandate is to train and develop staff to perform jobs their effectively and efficiently in accordance with the objectives of the OCA."*

- Eighteen (18) persons trained at a cost of \$83,935.00.
- Two (2) persons attended a Special Needs Conference that focused on children.
- One (1) investigator participated in a CIB Investigation Course.
- One (1) Customer Service Workshop attended by the Customer Service Representative.

## Professional Development

- Four (4) applications processed for time-off for study purposes.
- One (1) Social Work student accommodated in satisfaction of his

practicum requirements.

- Two (2) CUSO/VSO volunteers accommodated.
- Meeting convened with Dr. Lipps, Head of the Psychology Unit, University of the West Indies (Mona) to accommodate Applied Psychology Student for Practicum placement in January 2013.

## Administration

### Repairs and maintenance

- Repairs and maintenance carried out in conjunction with the management of the building, Jamaica Property for the period.
- Painting of the reception area and replacement of entrance door.

### Rental of Property

The building which houses the Office of The Children's Advocate is currently under lease from Jamaica Property Management Services Limited. The current lease has been renewed, however, the staff complement has outgrown the office space. The challenge however remains that rental and maintenance costs are very high. Much effort has been made to secure a bigger space; these efforts are ongoing. Some of these include the following:-

- Meeting held with representatives from the Accountant-General's Department re: office space.
- Meeting held with AIC Jamaica Ltd. to discuss availability of space for rent at the NCB Towers.
- Viewing of building at 2 Duke Street in order to assess its suitability.
- Viewing of office space on the Office Centre Building.

## Security Management

In order to ensure a safe and secure working environment for the staff, several management initiatives were developed. These include:-

- All staff in possession of official identification cards
- Electronic swipe cards used by Staff to access the office
- Clients and visitors required to sign in Visitors' Log Book at front desk
- Security system assessed for entrance door(s)

## Procurement

During the period 2012/2013, the OCA complied with all the procurement requirements that have been established by the relevant government guidelines. Over the period the need arose to acquire a variety of items for the use and benefit of the OCA. These acquisitions included the purchasing of furniture, equipment and office supplies.

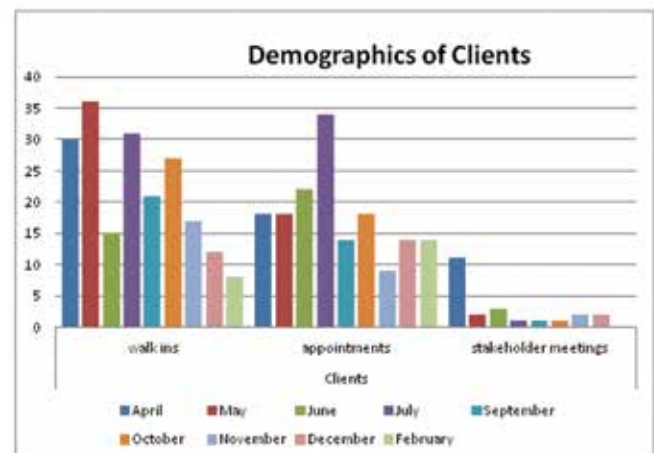
## Inventory Management

This Unit is also responsible for the inventory system which ensures that all assets and stationery in the OCA are fully maintained. This is ensured by conducting physical checks and updating both manual and computerized systems. For the period under review, seventy (70) assets were coded and logged in the OCA's inventory system. Document & File Management and Correspondence (Incoming & Outgoing) To ensure that records of the OCA are properly maintained, management ensures that information stored is easily accessible through the maintenance of a file database and implementation of a file coding system. It is important for any organization to ensure that correspondence whether incoming or outgoing is properly

recorded and accessible. Over the period under review, the following were noted;

- Incoming correspondence amounted to one thousand, one hundred and eighty nine (1,189) pieces
- Outgoing mail amounted to eight hundred and ninety four (894)
- Approximately six thousand, one hundred and sixty eight (6,168) incoming calls were processed through the switchboard.

## Meetings and Client Visits to the OCA



As it relates to clients visiting the Office of the Children's Advocate, the data tracked indicates that over the period the majority of clients who visited the Office were walk-ins requiring information. During the month of May the highest number of walk-in clients visited the OCA with approximately 36 such clients being recorded. July also recorded a high number of walk-in clients totaling 31 while February recorded the lowest number of walk-in clients with approximately 8 persons.

In contrast is the situation as it relates to clients who visited having been given an appointment to do so. The month of July featured the highest numbers in this category



with an estimated 21 such visits by clients. November recorded the least number of clients by appointments which was estimated at 9 persons, while walk-in appointments for the said month of November totaled 21 persons.

An analysis of the data tracked in relation to all visits from clients, shows that the months of July and May collectively had the most activity. Between these two (2) months, July had an estimated total of 65 visits while May had an estimated total of 53. The overall lead that July enjoyed is perhaps reflective of the fact that during the summer months when school is on holidays, more children would be available for appointments to be scheduled with them.

Twenty eight (28) meetings were hosted in-house and preparations made for all during the period. The majority of stakeholder meetings were held in April 2012 totaling 11 while only one meeting was held during each of the months of July, September and October 2012. For the following months, only one or two meetings were held collectively.



# APPENDIX

*Audited Financial Statements*



AUDITOR GENERAL'S DEPARTMENT  
P.O. BOX 455  
KINGSTON 10  
JAMAICA  
Email: audgen@auditorgeneral.gov.jm

**Auditor General's Report**  
**To the Accounting Officer**  
**of the Office of the Children's Advocate**

#### **Report on the Appropriation Account**

I have audited the accompanying Appropriation Account of the Office of the Children's Advocate – Head 0700 which comprise the Account by Objects, Activity/Projects and explanatory statement of the causes for variation between approved estimates and expenditure as at March 31, 2013.

#### **Accounting Officer's Responsibility for the Account**

The Accounting Officer is responsible for the preparation and presentation of the Account in accordance with the Financial Administration and Audit Act. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and presentation of the Appropriation Account that is free from misstatement, whether due to fraud or error; applying the requisite government accounting policies; and ensuring that transactions and events are executed in accordance with laws and regulations that are appropriate in the circumstances.

#### **Auditor's Responsibility**

My responsibility is to express an opinion on the Account based on my audit. I conducted my audit in accordance with the Financial Administration and Audit Act and the auditing standards issued by the International Organization of Supreme Audit Institutions (INTOSAI). Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the Appropriation Account is free from misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the Account. The procedures selected depend on the auditor's judgment, including the assessment of the risks of misstatement in the Appropriation Account, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Ministry/Department's preparation and presentation of the Appropriation Account in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of the explanations provided by management, as well as evaluating the overall presentation of the Appropriation Account.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### **Opinion**

In my opinion, the attached Appropriation Account is a fair representation of the financial transactions for the year ended March 31, 2013 in accordance with Section 24 (1) (a)(b) of the Financial Administration and Audit Act.





0700 - Office of The Children's Advocate  
12 Ocean Blvd

Appropriation Account by Activity - Selected Items ONLY

Page Number: 1  
10/09/2013  
12:03

Financial years: 03 (2012/13)  
Financial Pattern: 10 - Recurrent Voted  
Period Number: 1 (Close) To: 12 (1) (Apr 01 2012 - Mar 31 2013)  
Function: -  
Sub-Programme: -  
Activity/Proj: -

Sub-Function: -  
Project: -  
Programme: -  
Sub-Project: -

Code	Description	Original Estimate	Supplementary Estimates			Revised Estimates	Total Net Expenditure	Variance		Net Variance
			First	Second	Third			Less Than	More Than	
Function	01-General Government Services									
Sub-Function	07-Other General Government Services									
Programme	139-Protection of the Rights of Children									
Sub-Programme	51-Advocacy and Protection									
Activity	0489 Office of the Children's Advocate	\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Total for Sub-Programme	51 Advocacy and Protection	\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Total for Programme	139 Protection of the Rights of Children	\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Total for Sub-Function	07 Other General Government Services	\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Total for Function	01 General Government Services	\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Total for Fin. Pattern: 10 - Recurrent Voted		\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02	\$,101,878.98	00.00	\$,101,878.98
Less ALA		00.00	00.00	00.00	00.00	00.00	00.00			00.00
NET		\$4,078,000.00	00.00	00.00	00.00	\$4,078,000.00	75,976,121.02			\$,101,878.98

Accounting Officer

Date: 10.09.13

Page Number : 1  
10/09/2013  
12:04



### Appropriation Account - Activity Summary

Financial years : 05 (2002/03)

Financial Pattern : 10 - Recurrent Voted

Period Number : 1 (Close) To : 12 (1) (Apr 01 2012 - Mar 31 2013)

Function :

Sub-Programme :

Activity/Proj :

Sub-Function  
Project

-

-

Programme

Sub-Project

-

-

Code	Description	Original Estimate	Supplementary Estimates			Revised Estimates	Total Net Expenditure	Variance		Net Variance
			First	Second	Third			Less Than	More Than	
Activity	0489 Office of the Children's Advocate	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.82	8,101,878.98	00.00	8,101,878.98
Total for Fin. Pattern : 10 - Recurrent Voted		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.82	8,101,878.98	00.00	8,101,878.98
Less AIA		00.00	00.00	00.00	00.00	00.00	00.00			00.00
NET		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.82			8,101,878.98
Surrenderable Balance: 8,101,878.98										

  
Accounting Officer

Date: 10.09.13



0700 - Office of The Children's Advocate  
12 Ocean Blvd

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### Appropriation Account - Object Summary

Financial years : 05 (2012/13)  
Financial Pattern : 10 - Recurrent Voted  
Period Number: 1 (Close) To : 12 () (Apr 01 2012 - Mar 31 2013)

Function		-		Sub-Function		-		Programme		-	
Sub-Programme		-		Project		-		Sub-Project		-	
Activity/Proj		-									
Code	Description	Original Estimate	First	Supplementary Estimates Second	Third	Revised Estimates	Total Net Expenditure	Variance: Less Than		More Than	Net Variance
Object	21 Compensation of Employees	49,111,000.00	00.00	00.00	00.00	49,111,000.00	46,984,377.62	2,129,622.38	00.00		2,129,622.38
Object	22 Travel Expenses and Subsistence	12,222,000.00	00.00	00.00	00.00	12,222,000.00	9,951,628.51	2,270,371.49	00.00		2,270,371.49
Object	23 Rental of Property, Machinery & Equipment	7,038,000.00	00.00	00.00	00.00	7,038,000.00	6,708,697.92	329,302.08	00.00		329,302.08
Object	24 Public Utility Services	1,600,000.00	00.00	00.00	00.00	1,000,000.00	1,023,387.57	00.00	23,387.57		-23,387.57
Object	25 Purchase of Other Goods and Services	13,561,000.00	00.00	00.00	00.00	13,561,000.00	10,444,121.41	3,116,878.59	00.00		3,116,878.59
Object	30 Grants and Contributions (A) Grant to Public Bodies & Institutions (Stat. Bodies	346,000.00	00.00	00.00	00.00	346,000.00	285,366.96	60,633.04	00.00		60,633.04
Object	31 Purchase of Equipment( Capital Goods)	800,000.00	00.00	00.00	00.00	800,000.00	581,541.03	218,458.97	00.00		218,458.97
Total for Fin. Pattern : 10 - Recurrent Voted		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57		8,101,878.98
Less AIA		00.00	00.00	00.00	00.00	00.00	00.00				00.00
NET		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02				8,101,878.98
Surrenderable Balance: 8,101,878.98											

Accounting Officer

Date: 10.09.13





0700 - Office of the Children's Advocate  
12 Ocean Blvd

### Appropriation Account By Object

Page Number: 1  
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Financial years : 05 (2012/13)  
Financial Pattern : 10 - Recurrent Voted  
Period Number: 1 (Class) To : 12 (1 (Apr 01 2012 - Mar 31 2013))  
Function : -  
Sub-Programme : -  
Activity/Proj : -

Sub-Function : -  
Project : -  
Programme : -  
Sub-Project : -

Code	Description	Original Estimate	Supplementary Estimates			Revised Estimates	Total Net Expenditure	Variance		Net Variance
			First	Second	Third			Less Than	More Than	
Function	01-General Government Services									
Sub-Function	07-Other General Government Services									
Programme	139-Protection of the Rights of Children									
Sub-Programme	51-Advocacy and Protection									
Activity/Proj	0489-Office of the Children's Advocate									
Object	00 Not Applicable	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00
Object	21 Compensation of Employees	49,111,000.00	00.00	00.00	00.00	49,111,000.00	46,981,377.62	2,129,622.38	00.00	2,129,622.38
Object	22 Travel Expenses and Subsistence	12,222,000.00	00.00	00.00	00.00	12,222,000.00	9,951,628.51	2,270,371.49	00.00	2,270,371.49
Object	23 Rental of Property, Machinery & Equipment	7,038,000.00	00.00	00.00	00.00	7,038,000.00	6,708,697.92	329,302.08	00.00	329,302.08
Object	24 Public Utility Services	1,000,000.00	00.00	00.00	00.00	1,000,000.00	1,023,387.57	00.00	23,387.57	-23,387.57
Object	25 Purchase of Other Goods and Services	13,561,000.00	00.00	00.00	00.00	13,561,000.00	10,444,121.41	3,116,878.59	00.00	3,116,878.59
Object	30 Grants and Contributions (A) Grant to Public Bodies & Institutions (Stat. Bodies	346,000.00	00.00	00.00	00.00	346,000.00	285,366.96	60,633.04	00.00	60,633.04
Object	31 Purchase of Equipment (Capital Goods)	800,000.00	00.00	00.00	00.00	800,000.00	581,541.03	218,458.97	00.00	218,458.97
Total for Activity/Proj	0489 Office of the Children's Advocate	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Sub-Programme	51 Advocacy and Protection	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Programme	139 Protection of the Rights of Children	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Sub-Function	07 Other General Government Services	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Function	01 General Government Services	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Fin. Pattern : 10 - Recurrent Voted		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Less AIA		00.00	00.00	00.00	00.00	00.00	00.00			00.00
NET		<u>84,078,000.00</u>	<u>00.00</u>	<u>00.00</u>	<u>00.00</u>	<u>84,078,000.00</u>	<u>75,976,121.02</u>			<u>8,101,878.98</u>



0700 - Office of the Children's Advocate  
12 Ocean Blvd

### Appropriation Account By Object

Page Number : 1  
10/09/2013  
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Financial years : 05 (2012/13)

Financial Pattern : 10 - Recurrent Voted

Period Number: 1 (Close) To : 12 (1) (Apr 01 2012 - Mar 31 2013)

Function

Sub-Programme

Activity/Proj

Sub-Function

Project

Programme

Sub-Project

Code	Description	Original Estimate	Supplementary Estimates			Revised Estimates	Total Net Expenditure	Variance		Net Variance
			First	Second	Third			Less Than	More Than	
Function	01-General Government Services									
Sub-Function	07-Other General Government Services									
Programme	139-Protection of the Rights of Children									
Sub-Programme	51-Advocacy and Protection									
Activity/Proj	0489-Office of the Children's Advocate									
Object	00 Not Applicable	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00
Object	21 Compensation of Employees	49,111,000.00	00.00	00.00	00.00	49,111,000.00	46,981,377.62	2,129,622.38	00.00	2,129,622.38
Object	22 Travel Expenses and Subsistence	12,222,000.00	00.00	00.00	00.00	12,222,000.00	9,951,628.51	2,270,371.49	00.00	2,270,371.49
Object	23 Rental of Property, Machinery & Equipment	7,038,000.00	00.00	00.00	00.00	7,038,000.00	6,708,697.92	329,302.08	00.00	329,302.08
Object	24 Public Utility Services	1,000,000.00	00.00	00.00	00.00	1,000,000.00	1,023,387.57	00.00	23,387.57	-23,387.57
Object	25 Purchase of Other Goods and Services	13,561,000.00	00.00	00.00	00.00	13,561,000.00	10,444,121.41	3,116,878.59	00.00	3,116,878.59
Object	30 Grants and Contributions (A) Grant to Public Bodies & Institutions (Stat. Bodies	346,000.00	00.00	00.00	00.00	346,000.00	285,366.96	60,633.04	00.00	60,633.04
Object	31 Purchase of Equipment (Capital Goods)	800,000.00	00.00	00.00	00.00	800,000.00	581,541.03	218,458.97	00.00	218,458.97
Total for Activity/Proj	0489 Office of the Children's Advocate	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Sub-Programme	51 Advocacy and Protection	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Programme	139 Protection of the Rights of Children	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Sub-Function	07 Other General Government Services	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Function	01 General Government Services	84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Total for Fin. Pattern : 10 - Recurrent Voted		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02	8,125,266.55	23,387.57	8,101,878.98
Less AIA		00.00	00.00	00.00	00.00	00.00	00.00			00.00
NET		84,078,000.00	00.00	00.00	00.00	84,078,000.00	75,976,121.02			8,101,878.98

OFFICE OF THE CHILDREN'S ADVOCATE			
ACTIVITY 0499			
VARIANCE ANALYSIS			
FINANCIAL YEAR 2012/2013			
<b>Object</b>	<b>Description</b>	<b>Variance</b>	<b>Comments</b>
21	Compensation of Employees	\$2,129,622.38	Positive variance due to resignation of staff and the time period in which these vacancies were filled. Also, new positions were not filled until the middle of the financial year. Anticipated acting and subsequent payment of acting allowances did not take place
22	Travel and Subsistence	\$2,270,371.49	Positive variance exists as expected number of site visits did not materialize.
23	Rental of Property, Machinery & Equipment	\$329,302.08	Positive variance occurred because our relocation plans were not fruitful as the quotes for rent are not within our budgetary allocation.
24	Public Utility Services	(\$23,387.57)	Increased cellular calls to clients to facilitate investigations







